



Local Government Act 1972

A Meeting of the Combined Fire Authority for County Durham and Darlington will be held in the Morton Room - County Durham and Darlington Fire and Rescue Service Headquarters on Tuesday 18 December 2018 at 10.00 am to consider the following business:-

PART A


1. Declarations of interest, if any
If Members are aware of a private or personal conflict of interest in relation to any items on the Agenda, this should be disclosed at this stage or when the conflict of interest arises during consideration of an item in accordance with the Code of Conduct for Members
2. Minutes of the meeting held on 26 November 2018 (Pages 3 - 6)
3. Current Correspondence - Report of Assistant Chief Fire Officer - Service Support (Pages 7 - 8)
4. The Adrian Thomas Review - Report of Assistant Chief Fire Officer - Service Support (Pages 9 - 28)
5. Performance Report Quarter two 2018/19 - Report of Area Manager, Training, Assets and Assurance (Pages 29 - 38)
6. Assaults on Emergency Workers (Offences) Act 2018 - Report of Chief Fire Officer (Pages 39 - 42)
7. Further Government Response: Enabling Police and Crime Commissioners (PCCs) to sit and vote on Combined Fire and Rescue Authorities - Report of Chief Fire Officer (Pages 43 - 68)
8. Appointment of Independent Persons - Report of Clerk to the Fire Authority (Pages 69 - 70)
9. Consett Fire Presentation (Pages 71 - 78)
10. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
11. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

Items during which it is considered the meeting is not likely to be open to the public (consideration of exempt or confidential information).

12. Lord Kerslake Report Update - Report of Assistant Chief Fire Officer - Service Delivery (Pages 79 - 84)
13. Estates Update - Report of Head of Corporate Resources (Pages 85 - 98)
14. Darlington Fire Presentation
15. Integrated Risk Management Plan Consultation Update Presentation
16. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

PURSUANT to the provisions of the above named Act, **I HEREBY SUMMON YOU** to attend the said meeting



H LYNCH

Clerk to the Combined Fire Authority
for County Durham and Darlington

County Hall
Durham
DH1 5UL

TO: The Members of the Combined Fire Authority for County Durham and Darlington

Durham County Councillors:

Councillors B Avery, A Batey, D Bell, J Bell, P Brookes, C Carr, A Gardner, D Hicks, P Howell, A Laing, L Marshall, H Nicholson, C Potts, G Richardson, J Robinson, J Shuttleworth, M Simmons, W Stelling, F Tinsley, D Stoker and J Turnbull.

Darlington Borough Councillors:

Councillors H Crumbie, C Johnson, B Jones and S Richmond.

At the meeting of the **Combined Fire Authority for County Durham and Darlington** held at Fire HQ, Belmont Business Park, Belmont Durham, DH1 1TW on **Monday 26 November 2018** at **10.00 am**.

Present:

Durham County Councillors:

Councillors B Avery, A Batey, D Bell, J Bell, C Carr, A Gardner, D Hicks, P Howell, A Laing, R Manchester (substitute for J Turnbull), L Marshall, C Potts, G Richardson, J Robinson, J Shuttleworth, M Simmons, W Stelling and F Tinsley.

Darlington Borough Councillors:

Councillors H Crumbie, C Johnson, S Richmond and H Scott (substitute for B Jones).

Independent Standards Members: -

Apologies for absence were received from Councillors P Brookes, H Nicholson, D Stoker and J Turnbull.

The Chair welcomed H Crumbie to her first full Fire Authority meeting.

A1 Declarations of interest

There were no declarations of interest.

A2 Minutes of the meeting held on 24 September 2018

The minutes of the meeting held on the 24 September 2018 were confirmed as a correct record and signed by the Chair (for copy see file of minutes).

A3 Current Correspondence

The Authority received an update from the Assistant Chief Fire Officer – Service Support in relation to current correspondence received from government and other bodies relevant to the Authority and the status of each (for copy see file of minutes).

A4 Notes of the Audit and Risk Committee

The Authority considered a report of the of the Audit and Risk Committee, which provided an update on the discussions at the meeting held on 18 October 2018 (for copy see file of minutes).

A5 Notes of the Finance Committee

The Authority considered a report of the Chair of the Finance Committee, which provided an update on the discussions of the meeting held on 23 October 2018 (for copy see file of minutes).

A Batey noted that T Hope had been congratulated on his 40 years' service by the Committee.

A6 Change of Elected Member from Darlington

The Authority considered a report of the Clerk which made members aware of a change in representation on the CFA from Darlington Borough Council and the impact on the committee structure and representation on external bodies. (for copy see file of minutes).

Resolved:

That the report be noted and that Cllr Crumbie had replaced Cllr Harker on the CFA and Cllr Richmond on the Finance Committee and as representative to the LGA.

A7 Inclusive Fire Service Group Improvement Strategies

The Authority considered a report of the Assistant Chief Fire Officer – Service Support which provided members with an update on the progress of the action plan which was developed in response to the Inclusive Fire Service Group improvement strategies as published in Circular NJC/1/18 (for copy see file of minutes).

Resolved:

- (i) That the content of the report and action plan be noted;
- (ii) That the completed status of the action plan be approved.

A8 Member Attendance at Conference

The Authority considered a report of the Vice Chair which provided feedback to members on the recent Combined Fire Authority Conference held on 11 October (for copy see file of minutes). Cllr Laing highlighted the presentation on organisational culture given at the conference by the Chief Fire Officer and Dr Les Graham from Durham University Business School. Cllr Robinson confirmed HMICFRS had spoken favourably about the presentation at the Fire Service Management Committee the next day.

Resolved:

That the report be noted.

A9 Bonfire Period Update – Presentation

The Area Manager Emergency Response delivered a presentation to members in relation to the latest bonfire period.

Members queried the involvement of Durham Constabulary in relation to attacks on firefighters. D Brown noted the good working relationship the Service had with Durham Constabulary.

Members queried the availability of fireworks for sale. D Brown noted that the Service recommends the general public attend organised events and publicises local events on social media and via the Service's website.

Members noted that their constituents were not always aware of the areas a fire station covered and this could be used in literature for the next campaign.

Resolved:

That the presentation be noted.

A10 Any other Business

There was no other business.

A11 Exclusion of the public

That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3 and 4 of Part 1 of Schedule 12A to the said Act.

B12 Strategic Planning Day 8 October 2018

The Authority Received a report from the Chief Fire Officer which summarised the areas explored and debated at the Combined Fire Authority strategic planning day on 8 October 2018 (for copy see file of minutes).

Members noted the benefits of Officers attending local resident meetings to discuss IRMP proposals.

Members queried the working time directive and the Chief Fire Officer gave an update on the current situation.

Resolved:

That the report be noted and discussed.

The Assistant Chief Fire Officers and Area Managers left the meeting for item B13.

B13 Appointment of Assistant Chief Fire Officer

The Authority received a report of the Chair which asked members to agree the recommendation of the Appointments Panel, which was held on 05 November 2018, to confirm a substantive appointment of Assistant Chief Fire Officer (for copy see file of minutes).

Resolved:

That the report be agreed.

B14 Any Other Business

There was no other business.

CLOSE OF MEETING



Current Correspondence: November 2018 – December 2018

Release date	Subject	Summary	Action		
			CFA Report	CFA Response	Info
27/11/2018	Letter from HMI Zoe Billingham	HMICFRS update letter on inspections update			√
30/11/18	Letter from David Blunt, Chief Statistician & Head of Fire, Licensing and Public Order Analysis Unit	Home Office update on the replacement of the national Incident Recording System (IRS)			√

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COMBINED FIRE AUTHORITY

18 DECEMBER 2018

THE ADRIAN THOMAS REVIEW

REPORT OF ASSISTANT CHIEF FIRE OFFICER SERVICE SUPPORT

PURPOSE OF REPORT

1. The purpose of this report is to provide Members with an update on the progress of the action plan which was developed in response to the 'Independent review of conditions of service for fire and rescue staff in England'; The Adrian Thomas Review.

BACKGROUND

2. As Members will be aware from previous updates, Adrian Thomas was commissioned in October 2014 by the then Fire Minister, Penny Mordaunt MP, to undertake the independent review. Although the report was completed in February 2015 it was not published until 03 November 2016.
3. The report made a total of 45 recommendations which were directed at: the Local Government Association (LGA); the National Joint Council (NJC); fire and rescue authorities; and government and was divided into 5 main themes:
 - The working environment;
 - Documented conditions of service;
 - Industrial relations;
 - Retained Duty System;
 - Management of fire and rescue services.
4. The Service undertook a gap analysis and developed an action plan divided, into the 5 themes above, to ensure that all the applicable recommendations were fully considered and progress against each was measured. A copy of the action plan is attached as Appendix A. Members were last updated on progress of the action plan at the Fire Authority meeting on 17 July 2018.
5. Of the 45 recommendations, 28 were directed at the LGA; the NJC and government and 17 were to be actioned by fire and rescue authorities.

CONCLUSION

6. The Service appears to be in a relatively strong position in relation to the findings from the Adrian Thomas Review and already satisfies or will continue to progress the objectives of the strategies through inclusion in the Workforce Development and Equality, Diversity and inclusion strategies going forward, as such the action plan is considered complete.

7. Workforce reform is one of the three key pillars of the Fire Reform Programme and the government is determined to ensure that fire authorities drive change in the areas identified.
8. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS), which is also a key feature of the Fire Reform Programme, will expect to see significant process made against the recommendations made by Adrian Thomas, throughout the inspection regime.

RECOMMENDATIONS

9. The Authority is requested to:
 - (a) **Note** and comment on the content of the report and the action plan;
 - (b) **Approve** the completed status of the action plan.

Sarah Natrass, Assistant Chief Fire Officer Service Support, 0191 3755587



County Durham and Darlington **Fire and Rescue Authority**

County Durham and Darlington Fire and Rescue Service
Adrian Thomas Review Gap Analysis and Action Plan



Version	Date	Comment
0.1	4/11/16	Initial Draft prepared from Adrian Thomas Review for discussion with SLT
0.2	06/04/17	Reviewed by SLT
0.3	17/05/17	Reviewed by SLT
0.4	02/11/17	Reviewed by SLT
0.5	29.06.18	Reviewed by SLT
0.6	29.11.18	Reviewed by SLT

Key	
Green	Compliant
Yellow	Working/making progress towards compliance
Red	Not compliant
Grey	Recommendation for Local Government Association (LGA) , the National Joint Council (NJC) or the Chief Fire Officers Association (CFOA)

The Working Environment				
	Resp	Key	Notes/existing capability	Lead
<p>1. Culture and trust are at the centre of many of the changes required to create a high performing service aligned to the needs of the people it serves. A consistent employee engagement survey should be developed and deployed across the service (allowing inter authority comparisons) and 'hard wired' into management objectives.</p>	<p>FRS NJC</p>		<p>The Service commissioned Dr Les Graham from Durham University Business School to undertake a cultural survey. The results were presented back to the Rep Bodies and SLT initially in January 2017 and subsequently communicated to all staff via the monthly communications brief, info bulletin and workshops. Appropriate interventions are being developed and are integral to the Workforce Development Strategy. The Service launched its second cultural survey in April 2018 to measure any change in culture, the results will be received in late July 18.</p>	<p>Head of Workforce Development</p>
<p>2. Early engagement with employee representatives at the earliest opportunity should be a feature of all change programmes.</p>	<p>FRS</p>		<p>The Service has strong industrial relations with all the recognised representative bodies and early engagement is a key part of the way the organisation develops strategies, policies and procedures. There are formal meetings between management and the representative bodies monthly, informal meetings between the FBU Secretary and the CFO monthly and ad-hoc meetings between the DCFO and the FBU as and when required.</p> <p>The elected members have good relationships with the representative bodies and this also forms part of the informal engagement process.</p> <p>Prior to policy/procedure review/introduction all rep bodies are consulted as part of the process. Representative bodies are engaged at all levels in the organisation as a permanent member of</p>	<p>ACFO Service Delivery / ACFO Service Support</p>

			many of the Service meetings or groups, for example, health and safety, corporate wellbeing, RDS liaison, equality and diversity.	
3. Fire and rescue services should deploy training in effective change management, leadership and employee engagement in addition to Industrial Relations.	FRS		A significant amount of the areas highlighted are included in the various staff development programmes already in place. The Service has conducted a significant review of our aims and objectives, values and behaviours, once finalised training will be required for all staff. This training will include refreshed change management, leadership and industrial relations input but linked closely to our refreshed values and behaviours in addition to the areas identified by the results of the cultural survey. A leadership development programme has been developed and delivered which incorporates the above requirements.	Head of Workforce Development
4. Increased importance should be placed by fire and rescue services on employee communication - appropriate management training and processes (direct to employee) should be implemented.	FRS		Over the last twelve months a significant amount of work has been undertaken to improve internal communication in the Service. These improvements include: station and section visits by SLT, job shadowing, the introduction of monthly comms forums and improvements to the weekly information bulletin. Whilst marked as compliant communications will be continually reviewed to ensure that improvements are made where necessary. There is evidence in the positive feedback from staff during the 2016 managers' seminars and follow up visits to stations during 2017 that this communication and engagement with employees has been effective.	Communications and Governance Manager

<p>5. Fire and rescue services should instigate audits of the flow of management information reaching the workforce with the aim of improving the flow of information to the frontline firefighter.</p>	<p>FRS</p>		<p>The flow of information has been audited informally as part of the station visit programme. The new electronic newsletter will enable the flow of information to be audited more formally.</p> <p>The Comms team through SMT will review existing management information that is communicated from each team and establish if the communications mechanisms are effective. This will be on the agenda for SLT for April 2019.</p>	<p>Communications and Governance Manager</p>
<p>6. Management performance objectives should be hard wired to the results of an annual employee engagement and communication survey.</p>	<p>FRS</p>		<p>The outcomes from station visits have been built in to management performance objectives. This will be further strengthened when the results of the Cultural Survey are published and appropriate interventions developed. OD interventions continue to be developed and are aligned to the results of the cultural survey and feedback/ideas received from staff. Consideration is given to the cultural survey in the outcomes of everything we do.</p>	<p>Head of Workforce Development</p>
<p>7. Unconscious bias training should be rolled out across the fire and rescue service.</p>	<p>FRS</p>		<p>This has been delivered as part of the Workforce Development Strategy in 2017/18.</p> <p>SLT members received this training in October 2017. The plan for the wider workforce is currently being developed.</p>	<p>Head of Workforce Development</p>

<p>8. The leadership of the Fire and Rescue Service (represented by the Local Government Association and Chief Fire Officers Association) and the employee representatives together with special interest groups representing woman and black and minority ethnic firefighters should publish a memorandum of understanding as to how people will be treated.</p>	<p>LGA NFCC</p>		<p>The NJC have established the Inclusive Fire Service Working Group which includes representatives from the national employers, rep bodies, and CFOA.</p> <p>Internally we have a productive ED&I Steering Group. Our Service values have been reviewed and presented to the CFA and a communication plan is being developed for the organisation.</p>	
<p>9. Research should be directed at how the cadet scheme could be utilised to widen the diversity of the service and how the interest in supporting the fire service can be maintained when the cadets leave the scheme (impacting both equality and potentially the retained duty system).</p>	<p>NFCC FRS</p>		<p>The Service have already encouraged cadets to take up employment with the Service through the Apprenticeship Scheme; RDS and wholetime recruitment.</p> <p>The expansion of the Cadet model in the 2016/17 IRMP formed part of a wider recruitment strategy.</p> <p>One RDS firefighter who was previously a member of the cadets was successful in gaining a place on our apprenticeship programme.</p> <p>An objective in the WFD strategy is to create clear links to career paths within the Service across all areas and assist with providing employability skills to those in the cadet schemes.</p> <p>Employability skills were delivered to those in the relevant age group in preparation for the next apprenticeship recruitment. Positive impacts of this can be seen in the process with 4 reaching the final stage.</p> <p>3 cadets and 3 RDS FF's were successful in gaining employment on the second cohort of</p>	<p>Head of Workforce Development</p>

			firefighter apprentices. This has had a positive impact on the diversity of our workforce as 4 of the candidates were female.	
10. Each fire and rescue service should maintain an active register of firefighters with second jobs. A refusal or failure to declare a second job should be treated as a serious disciplinary matter.			Secondary employment is covered in A/D 2/39 Secondary Employment Policy. Disciplinary action has been taken against employees who fail to declare secondary employment.	Head of Workforce Development
11. Implement a single technological/equipment evaluation facility.	NFCC		CFOA are working towards establishing a R&D Hub. The Hub will be owned by the UK FRS and all intellectual property generated will be held by CFOA on behalf of the UK FRS. CDDFRS have committed to support the R&D Hub.	

Documented conditions of service				
	Resp	Key	Notes/existing capability	Lead
12. The fire and rescue services in conjunction with the Government should create a national communication programme highlighting the range of activities and skills beyond fighting fires currently undertaken by firefighters. The aim of this would be to raise public awareness that creating a flexible fire and rescue service aligned to prevention is key to increasing safety in the local community.	NFCC Home Office		CDDFRS welcome this recommendation and encourage the Home Office to work with the service to implement it.	
13. Slim down and modernise the Grey Book, removing duty systems and reference to role maps and national occupational standards and replace with contracts of employment.	NJC		CDDFRS have not experienced significant issues with the content of the Grey Book and do not view it as a barrier to change as we have already implemented a range of duty systems and	

			changed the operational shift system to create extra capacity.	
14. Minimum night time shift hours should be removed from the Grey Book.	NJC		CDDFRS have not experienced significant issues with the content of the Grey Book and do not view it as a barrier to change.	
15. Disagreements regarding additional payments, collaborations or implementation of new technologies and working practices should be resolved locally without resort to the national advisory panels.	NJC		CDDFRS have not experienced significant issues with the content of the Grey Book and do not view it as a barrier to change.	
16. The national employers, government and employee representatives should, in support of establishing a changed culture (as detailed earlier), meet and agree a re-defined national joint protocol on industrial relations.	NJC Home Office Rep Bodies		CDDFRS have an agreed industrial relations protocol in place which worked well during the recent national industrial dispute.	
17. The ability to compulsorily move an individual from the flexible duty system should be introduced.	NJC		CDDFRS believe the current arrangements are suitable. The impact of removing a person from the flexible duty system on the member of staff's pension needs to be carefully considered and subject to a level of protection.	

Industrial Relations				
	Resp	Key	Notes/existing capability	Lead
18. The National Joint Council should be retained for the purposes of national pay bargaining for basic pay whilst reforming itself to represent employers and employees on a more local basis for all other conditions of	NJC		Careful consideration needs to be given to the additional burden that would be placed on each fire and rescue service should the role of the NJC be dramatically reduced.	

service including incremental pay for acquiring competences beyond 'safe to ride'.			Increased local negotiation on contentious issues such as pay or leave could be detrimental to local industrial relations which are currently very good in CDDFRS.	
19. The National Joint Council should consider operating regionally to reflect the requirements of the different fire authorities whilst retaining a national umbrella with respect to basic pay.	NJC		Careful consideration needs to be given to the additional burden that would be placed on each fire and rescue service should the role of the NJC be dramatically reduced.	
20. Remove Technical Advisory Panels and Resolution Advisory Panel and replace with a direct to ACAS approach. Fire and Rescue Authorities are undertaking a significant amount of local negotiation as they agree positions out with the Grey Book locally and this will not significantly increase workload or cost – in fact the Knight review suggested that local negotiations save money.	NJC		Although there may be scope to improve the TAP and RAP processes it is difficult to see how replacing them with the ACAS process will significantly reduce bureaucracy or improve flexibility.	
21. The Government should recognise the increasing view that the current right to withdraw labour (take strike action) is incompatible with the expectations that the public has of an emergency service. As such Government should bring forward appropriate legislation to remove the protection afforded under the Act to unions when their collective strike action, or action short of strike, impedes the fire and rescue service from making an emergency response. The right to strike being retained for non-emergency activities.	Home Office		The Government have already stated they have no intention of removing the right to strike at this time. The Trade Union Act 2017 came into force on 1 March 2017 and made amendments to the rules applicable to strike action.	
22. If the Government determines not to bring forward legislation to restrict the right to strike then Government should instigate consultation	Home Office		Since 2008 all Fire Authorities have had a duty under the National Framework to plan for	

<p>with a view to agreeing with employees impacted a no strike agreement in emergency situations. The right to strike being retained for non-emergency activities.</p>			<p>business continuity arrangements. The Framework document states:</p> <p>“Fire and rescue authorities must have effective business continuity arrangements in place to meet the full range of service delivery risks. Business continuity plans should not be developed on the basis of Armed Forces assistance being available.</p> <p>CDDFRS believe that this duty negates the need for a change in legislation relating to industrial action.</p> <p>CDDFRS have also demonstrated robust, effective resilience arrangements during recent periods of industrial action.</p> <p>A debrief of the resilience plan was undertaken in 2016 with revisions made to the plan to ensure it remains effective.</p>	
<p>23. The chair of the National Joint Council should instigate an independent review of the structure and representative make-up of the National Joint Council to enable it to perform effectively at both a local and national level – noting that a number of contributors, from both the employers and the representatives, felt that they were excluded from the council.</p>	<p>NJC</p>		<p>This is an issue for the NJC. CDDFRS support a review of the membership in principle.</p>	

Retained Duty Systems				
	Resp	Key	Notes/existing capability	Lead

<p>24. Fire and Rescue Authorities should adopt duty systems and staffing which align fire fighter availability to the planned work load (e.g. community safety) whilst providing response cover appropriate to the Integrated Risk Management plan should be encouraged.</p>	<p>FRS</p>		<p>The Authority has implemented a range of duty systems and flexible and efficient working practices to deliver the requirements of the IRMP. The increase in delivery of HFSC/SWV and fire safety audits aligned with the reduction in accidental dwelling fires and fires in non-domestic properties, measured through our suite of performance indicators, demonstrates the increased capacity created through operational shift changes and effectiveness of delivery. A review of emergency response was carried out in 2017. This was presented to the Fire Authority in October and is being discussed with staff on station/section visits and at the Managers Seminar throughout November and December. Following the SYFRS legal ruling an interim emergency response review was also carried out recently which developed a range of options that have been developed for IRMP public consultation and aligned to the Community Risk Profile.</p>	<p>AM: Emergency Response</p>
<p>25. Fire and rescue authorities should be required to provide an annual statement on the use of retained firefighters. Any decision not to use or to cease to use retained firefighters should be communicated in this statement and underpinned with operational evidence provided by the fire and rescue service.</p>	<p>FRS</p>		<p>An RDS Assurance Statement was completed for 2016/17. A revised RDS Assurance Statement for 2017/18 has been completed and has been posted on the Service's website.</p>	<p>AM: Emergency Response</p>
<p>26. As part of the annual statement fire and rescue services should be required to provide an annual commentary on the number and use of retained firefighters and in particular to report on the level of mixed crewing or co-working with wholetime personnel.</p>	<p>FRS</p>		<p>An RDS Assurance Statement was completed for 2016/17. A revised RDS Assurance Statement for 2017/18 has been completed and has been posted on the Service's website.</p>	<p>AM: Emergency Response</p>

27. Legislation should be brought forward to provide employment protection to fire fighters employed on the Retained Duty System. This legislation is already in place for other groups (military reservists, magistrates and so on).	Home Office		CDDFRS welcome this recommendation and encourage the Home Office to work with the service to implement it.	
28. A national awareness programme for retained duty system personnel should be produced.	Home Office		CDDFRS welcome this recommendation and encourage the Home Office to work with the service to implement it.	
29. Trial and evaluate, in a limited number of fire and rescue services, the use of an annual bounty payment for employers of retained firefighters.	Home Office		CDDFRS welcome this recommendation and encourage the Home Office to work with the service to implement it.	

Management of the Fire and Rescue Service				
	Resp	Key	Notes/existing capability	Lead
30. Fire authorities should keep the number and level of commitment of fire authority elected members under review. The right number may differ by authority but should be large enough to allow scrutiny without becoming burdensome on operational delivery.	Authority		<p>The Authority approved a formal review of the governance arrangements at the September 2016 Meeting. The review began in November 2016 and the outcome will be reported to the February 2017 meeting.</p> <p>The outcome was presented and discussed at the March 2017 Authority Meeting. The Home Office are due to consult on a legislative change to the process for amending Combination Orders for Fire Authorities. The implications and opportunities for CDDFRA will be discussed further once this consultation is received.</p> <p>Further discussions have taken place with the Chair and Vice Chair about considering undertaking a second review to look more closely at the number of elected members. This is a decision for the two constituent authorities.</p>	CFO
31. Recruitment and selection academic standards should be immediately raised.	NJC		<p>CDDFRS do not have a problem recruiting high quality staff under the current arrangements and believe recruitment decisions should be made locally not nationally.</p> <p>There is concern that strict, high academic standards introduced in the recruitment and selection criteria may have a detrimental impact on the recruitment of RDS staff from a limited catchment area.</p>	

			Over the next 12 months CDDFRS will utilise the assessments used for the recent wholetime recruitment campaign and assess any detrimental impacts on our ability to recruit RDS Firefighters.	
32. Fire and rescue services should create critical mass by collaborating in recruitment including lateral recruitment into 'fast track' management programmes.	NFCC		CDDFRS support this recommendation in principle although a great deal more work would be required to fully understand its implications.	
33. Fire and rescue services should explore a collaborative approach to the creation of succession plans and senior leader programmes with more cross authority developmental moves	NFCC		CDDFRS support this recommendation in principle although a great deal more work would be required to fully understand its implications.	
34. Where collaboration could lead to more formal mergers, Government should find transformational funding to support the creation of larger fire and rescue services that offer critical mass in areas of technology introduction, recruitment, succession and development.	Home Office		CDDFRS welcome this recommendation and encourage the Home Office to work with the service to explore it in more detail. The removal of any fire specific transformational funding has the potential to stifle innovation and hinder collaboration. The Home Office appear to focussed on Fire-Police collaboration which may not always generate the greatest efficiency savings. The removal of capital grants from the service further exasperates this position.	
35. Fire and rescue services should maintain an up-to-date strategic workforce plan.	FRS		A Workforce Development Strategy has been approved at SLT which now replaces the Organisational Development Strategy following the service restructure, an objective of the strategy is to develop a strategic workforce plan.	Head of Workforce Development
36. Fire and rescue services that cannot offer promotional opportunities away from the original place of work/watch then preparatory management training should be available as	FRS		The policies and procedures relating to promotion are being reviewed as part of the Workforce	Head of Workforce Development

part of a strategic workforce development plan.			Development Strategy and have been set as objectives for 2018/19.	
37. The expectation that all fire fighters attain the same, maximum, level of competency should be removed. The wide and increasing range of roles and activities undertaken by fire fighters calls for a more sophisticated alignment of capability with the activity required in support of the local Integrated Risk Management Plan than can be provided by the view that ‘a fire fighter is a fire fighter’.	NJC		CDDFRS believe this recommendation should be considered once the NJC Trials conclude in February 2017.	
38. Training and pay should reflect a ‘safe to ride’ measure – basic core skills and core pay followed by competency based increments as required (which in the event of losing that competency means that the fire fighter retains their job albeit without that competency).	NJC		The role of firefighters is very different across different fire and rescue services and therefore any changes to national terms and conditions need to be considered carefully.	
39. To create and maintain (in the face of decreasing numbers) a cadre of managers capable of becoming future fire and rescue service leaders, a standardised industry wide approach to leadership development should be adopted.	NFCC		CDDFRS support a more standardised approach to leadership development based on nationally agreed competencies and professional standards.	
40. Fire and rescue services not using the Executive Leadership Programme should reconsider doing so.	FRS		<p>The Service is currently exploring the ELP as a tool for developing strategic leaders.</p> <p>Keith Lazzari has completed the ELP and will carry out a full evaluation of the programme on completion.</p> <p>John Walkden has been accepted on to the ELP for 2019.</p>	CFO

<p>41. A lateral, industry wide, recruitment scheme should be created. This will fast track managers through the experiential requirements and into senior roles.</p>	<p>NFCC</p>		<p>CDDFRS support a more standardised approach to leadership development based on nationally agreed competencies and professional standards, however, we would want to see more detail about any national proposals to fast track staff into senior positions. Previous schemes in the Police have not always been viewed as successful.</p>	
<p>42. The Gold Book (conditions of service for principal officers) should be removed along with that for Brigade Managers. With pay and conditions of service agreed locally subject to the introduction of a more sophisticated job evaluation programme that better reflects job size, role complexity and other duties in a way which allows inter authority comparison.</p>	<p>NJC</p>		<p>CDDFRS have an agreed procedure for setting and reviewing Brigade Manager pay which includes an external job evaluation exercise.</p>	
<p>43. All fire and rescue services and fire authorities should review the accessibility of their pay policy statements.</p>	<p>FRS</p>		<p>The accessibility of the pay policy has been reviewed and is available at: https://www.ddfire.gov.uk/pay-policy-statement</p>	<p>Treasurer</p>
<p>44. The Chief Fire Officers Association should consider increasing the term of office for the role of president from 1 year to 2 or 3 years – to provide increased stability of leadership.</p>	<p>NFCC</p>		<p>The CFOA membership have approved this change as part of the CFOA reform programme.</p>	
<p>45. Finally all participants in the fire industry should adopt the principal of: “Where change is common sense it should become common practice”</p>	<p>FRS NFCC NJC</p>		<p>This is more of a statement than a recommendation.</p>	

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Safest People, Safest Places

County Durham and Darlington
Fire and Rescue Authority



COMBINED FIRE AUTHORITY

Performance Report – Quarter Two 2018/19

Report of Area Manager, Training, Assets and Assurance

PURPOSE OF REPORT

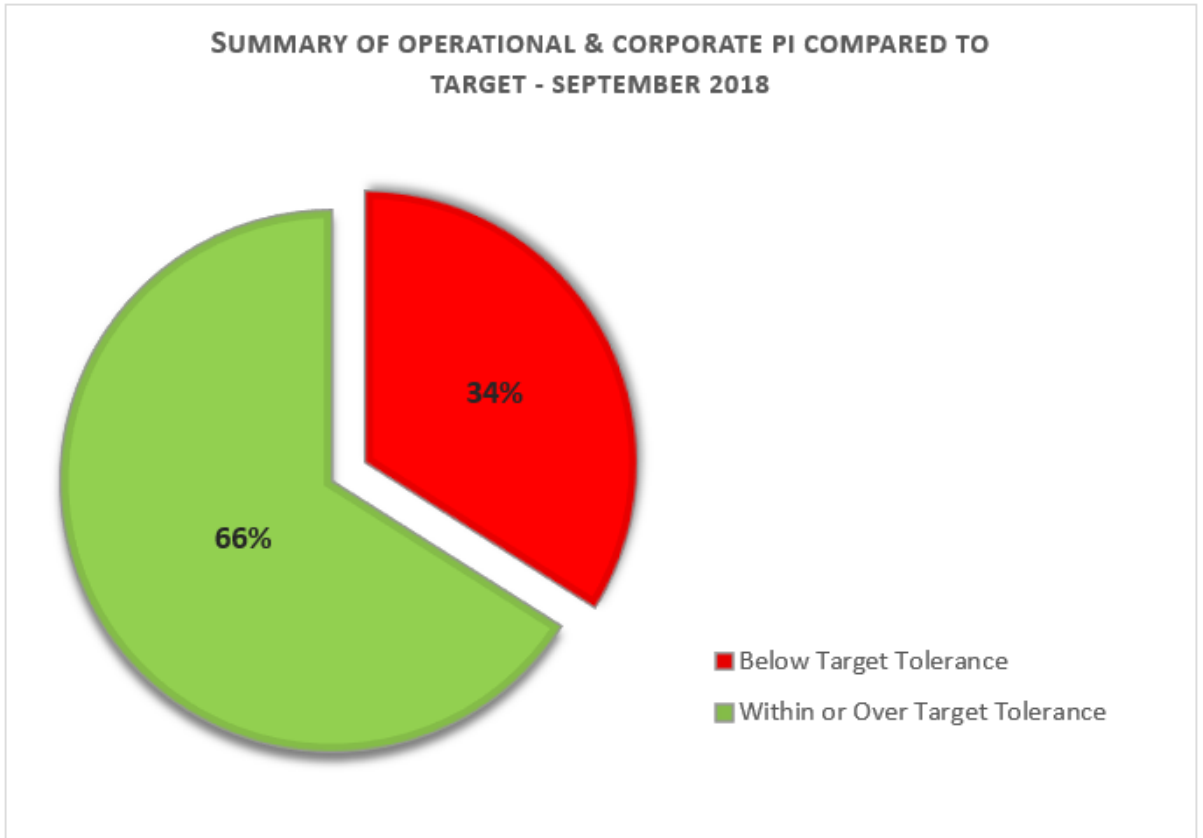
1. This report presents a summary of organisational performance at the end of the second quarter of the 2018/19 financial year.

BACKGROUND

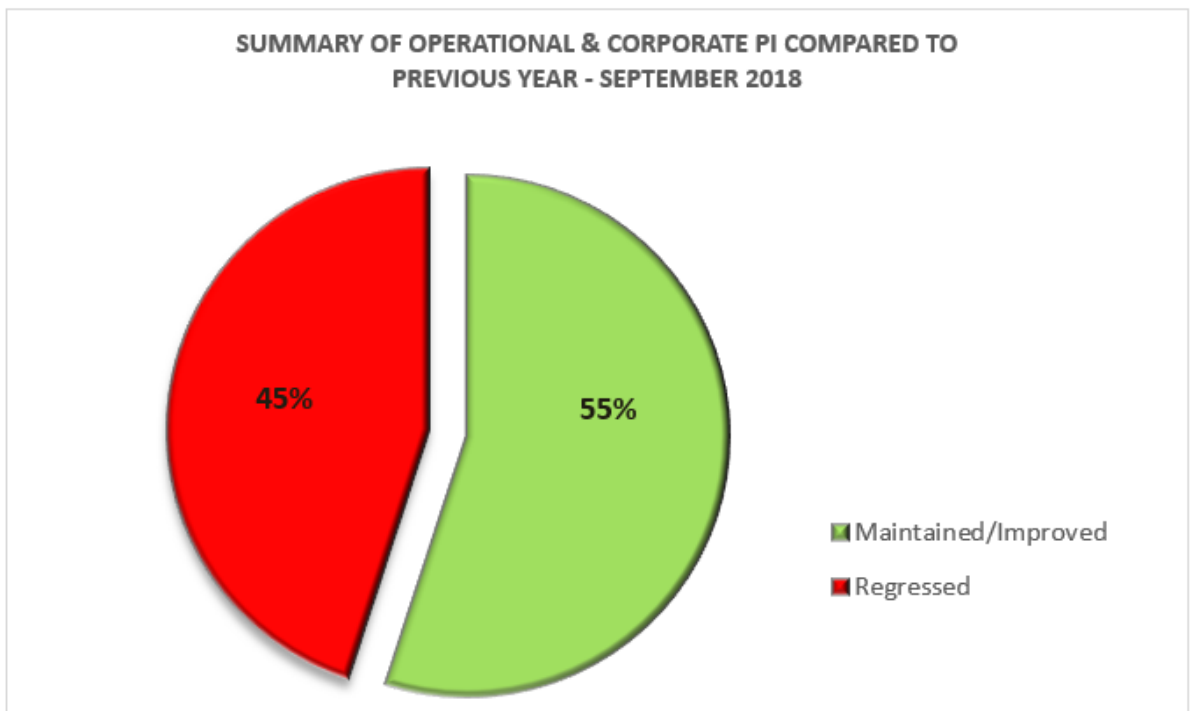
2. Both operational and corporate performance is monitored and managed internally via the monthly Performance & Programme Board (PPB) and Service Leadership Team (SLT) forums. Members of the Combined Fire Authority (CFA) consider performance on a quarterly basis at meetings of the Policy, Performance Committee and the full CFA.
3. A comprehensive suite of performance indicators (PIs) are employed to measure both operational and corporate performance. Targets are set on an annual basis against SMART criteria and take account of longer term trends and the potential for spikes in performance.
4. This robust approach to performance management enables action to be taken at an early stage if performance is not meeting expectations and provides assurance that resources are being directed towards the areas of greatest risk.
5. In addition to setting a target level for relevant PIs, the Service also employs a system of tolerance limit triggers that allow under or over performance to be highlighted to the PPB when the PI goes beyond set tolerances, which vary depending on the indicator. Each PI has a total of four tolerance limit triggers; two each for both under and over performance.
6. Performance is presented from two perspectives: by comparison against the annual target levels, and by comparison with performance at the same point last year.

OVERVIEW OF PERFORMANCE ACROSS ALL INDICATOR CATEGORIES

7. The tables overleaf provide an overview of how key performance indicators were performing at the end of quarter two 2018/19, across both operational and corporate areas of the Service.
8. The first pie chart over the page shows that 66% of the strategic PIs met or exceeded their target level.



9. The next chart below shows that 55% of the strategic PIs either maintained or improved when compared to performance last year.



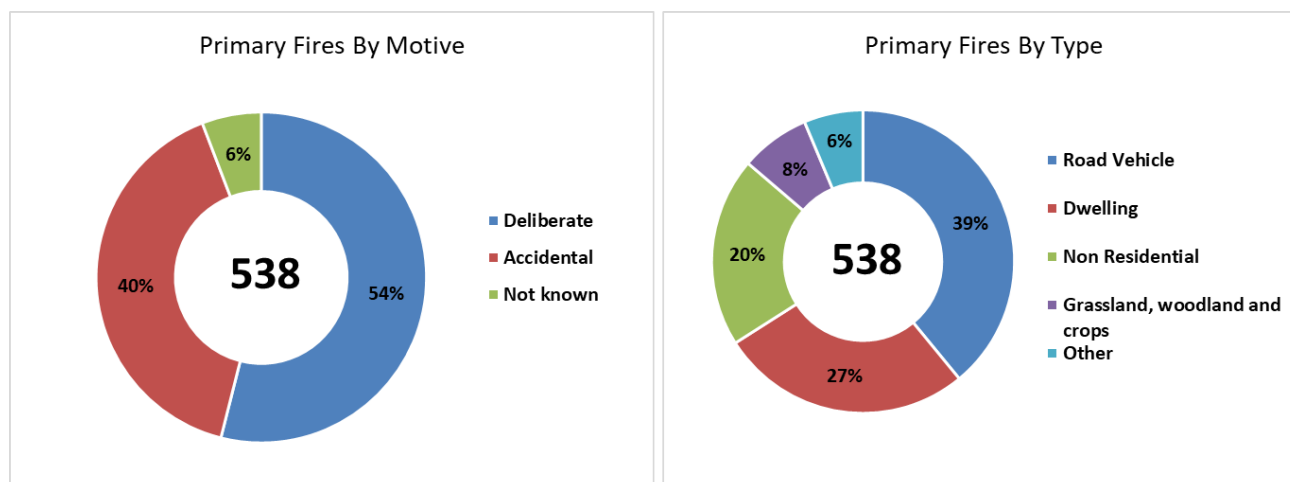
PERFORMANCE REPORTING BY EXCEPTION

10. The following sections of the report present details of specific operational and corporate indicators where performance was notably strong or where additional work is required to secure improvement. An explanatory narrative is provided for each PI group along with information about how performance compares to the annual target and the previous year.

Performance Indicator	Objective	Q2 2018/19 Actual	Q2 Target	Actual vs Target	2017/18 Q2 Actual	Actual vs Previous Year
PI 01 - Deaths Arising from Accidental Fires in Dwellings	Down	1	0	-100%	0	-100%
PI 02 – Primary Fires	Down	538	488	-10.2%	584	+7.9%
PI 03 – Number of Accidental Dwelling Fires	Down	118	125	+5.6%	113	-4.4%
PI 04 - Injuries Arising from Accidental Dwelling Fires	Down	3	14	+78.6%	11	+72.7%
PI 05 - Total Secondary Fires	Down	1716	1345	-27.6%	1704	-0.7%
PI 07 – Number of Safe & Wellbeing Visits	Up	10550	9045	+16.6%	10771	-2.1%
PI 42 - Proportion of Safe & Wellbeing Visits to High Risk People/Properties	Up	82.9%	80%	+3.7%	81%	+2.4%

PI01 – The single fatal fire of year to date for 2018 occurred on the 1st June 2018 and was heard at inquest on the 23/9/2018. The cause of death was given as (1) Smoke inhalation and (2) Heart failure. The cause of the fire was due to discarded cigarettes coming into contact with flammable materials in the bedroom, (curtains on the floor close to a waste paper bin). The deceased had stated to the Housing Association that she did not smoke. The deceased had refused a SWV previously. A significant degree of evidence of dropped burning cigarette damage was found on bedding and clothing within the bedroom, (room of origin of the fire). The deceased had tried to fight the fire. The dwelling was fitted with a working smoke alarm. Following this fire, the service has worked with the housing association to improve fire safety in their housing stock.

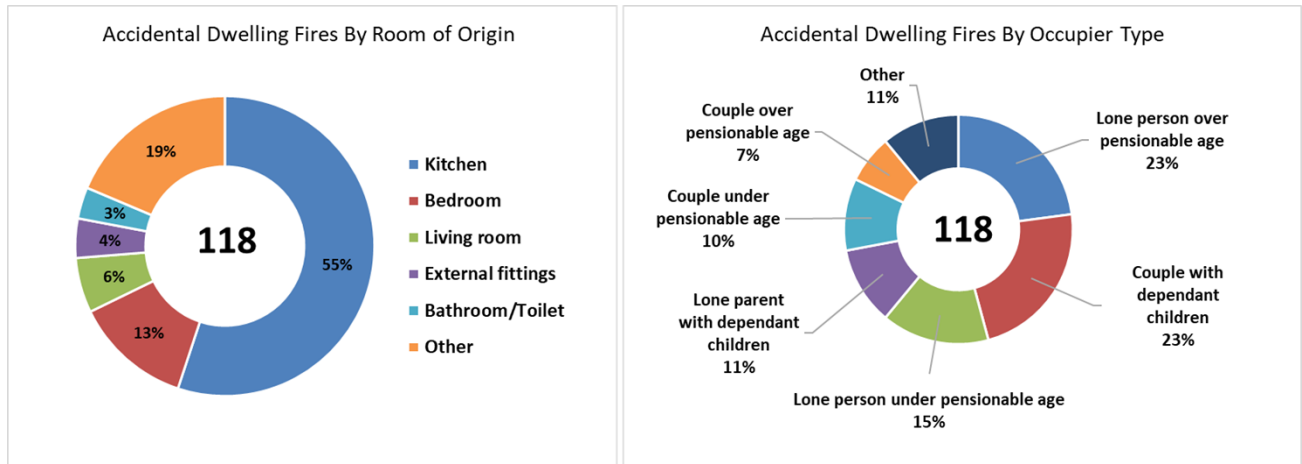
PI02



The main property types within this area are road vehicles (predominately cars) followed by dwellings. We have seen a gradual decline in deliberate primary fires however with a possible factor being the arrest and imprisonment of 2 x males from the Easington area who have been responsible for a significant number of car fires and deliberate structural fires between 2016/17 and 2017/18. Also, within this period, the Fire Investigation, Arson Reduction and Young People Team (FIAR) was formed and has begun to reach out to District Management Teams to assist and facilitate arson reduction best practice strategies, measurement and develop collaborative links with other partner agencies.

To this end, two of the FIAR YP team members are to work closely with the police CSI teams to understand how physical evidence and intelligence could be gathered from fire scenes to improve detection, (and thereby reduction), of deliberate primary fire incidents.

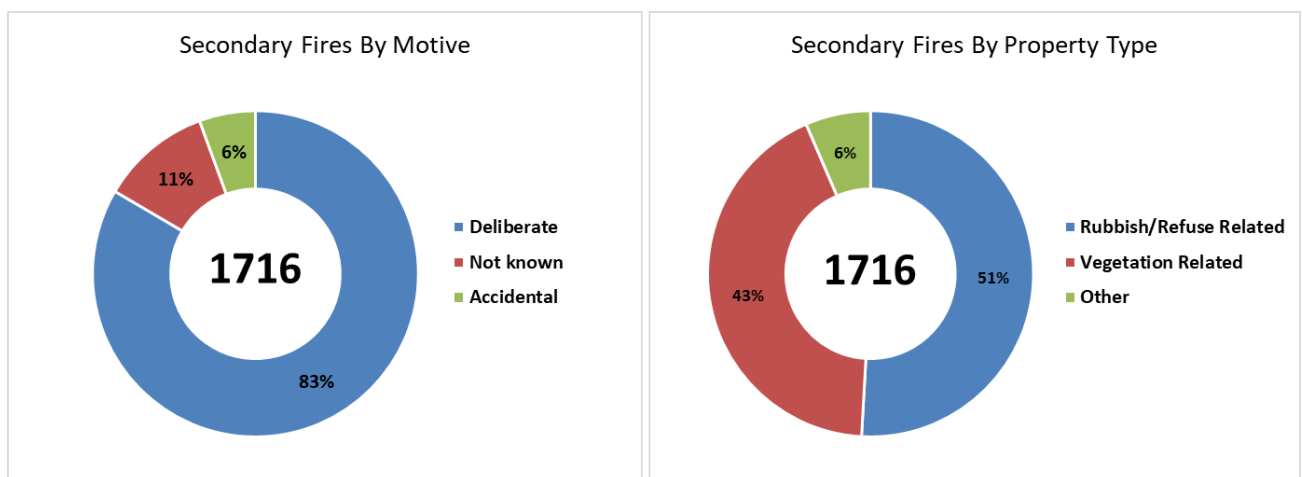
PI03



CRM current initiatives in trying to reduce ADFs include an ADF reduction campaign. This coincides with the introduction of the new Fire Reduction Super Hero (Flamin Nora) which will be utilised by the central and district teams to raise awareness as to the risk of ADFs and the simple daily actions that can be taken to reduce them. It will focus predominantly on fires in the kitchen and to people from the highest risk demographic groups (lone adults being a key factor) but evolve over the coming months to address seasonal issues. The campaign will be launched during the second week in November and see the release of a video and narrative aimed at reducing kitchen fires, identified as a major cause of accidental fires in the home (55%) and highlighting the problem of distraction. Future similar videos will cover other areas of concern as identified at that time by data analysis. CRM team will also be supporting the roll out of the NFCC Electrical Safety Week in November to raise awareness of the risk's electricity in the home presents, the importance of not overloading supplies and the need to have faulty equipment checked by competent maintenance staff or taken out of use entirely. This will be a largely social media-based campaign but will also include operational crews involved in local initiatives to promote this event. A return on activity around this week will be provided via a CFRMIS report second week in December.

PI04 – The Q2 figure for injuries currently stands at 3, 11 below target. Initiatives take place to help to keep instances of accidental dwelling fire injuries low. District teams are supported by the more specialist work of the central community risk management team.

PI05



Loose refuse and scrubland continue to be the main area of concern and the growth in deliberate secondary fires remains above target with the trend mirroring the same growth pattern for 2017. The Arson Reduction Team are in the process of establishing links with a variety of partners with the aim of establishing a more effective and efficient fuel management and removal programme across County Durham and the Borough of Darlington.

One of the primary aims is to develop a process of identifying where waste materials, (the mainstay of most secondary fire fuel packages), originates from and use a variety of strategies and agencies to address the cause directly. Links have also been developed with the Police with the aim of improving our intelligence gathering process. Current targeted partnership working has helped to see notable reductions in areas of previously high activity such as Haughton, Central Ward, Framwellgate Moor, Eden Hill and Annfield Plain.

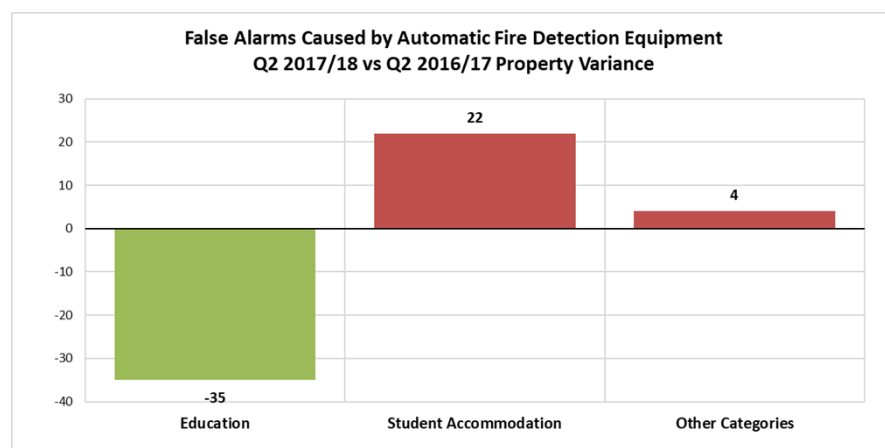
PI07 – Despite the figure for SAW being 2.1% lower (221) than the same point last year, this should be considered in the context of the more intelligence led targeting of the most vulnerable in our communities. The delivery of SAW activity is now planned and carried out by the use of a number of new tools that have been made available to crews. The Lower Super Output Areas (LSOA) and high-risk dwellings overlay that is provided on the Cadcorp Web Map Layers system has enabled crews to more accurately focus their activity on the people and areas in most need of our services and advice. There has also been a significant focus on the quality of the SAW product delivered on stations which has led to an increase in the percentage of lifestyle questionnaires completed. Community Risk Officers (CRO) have also delivered additional training and supportive quality assurance around the delivery of SAW with respective emergency response watch members. In a simple but effective piece of shared learning in the organisation, crews have, when engaging with those identified as high risk and or vulnerable, been asking them if they consider any of their neighbours or friends to also be vulnerable or high risk. This simple approach has led to an uplift in those most in need receiving a visit and an increase in referrals as seen in a slight positive increase in **PI42** which is above target by 3%.

Protection

Performance Indicator	Objective	Q2 2018/19 Actual	Q2 Target	Actual vs Target	2017/18 Q2 Actual	Actual vs Previous Year
PI 10 - Primary Fires in Non-Domestic Premises	Down	36	42	+14.3%	35	-2.9%
PI 14 - False Alarms Caused by Automatic Fire Detection Equipment	Down	412	406	-1.5%	423	+2.6%
PI 17 – Number of Fire Safety Audits	Up	1121	1091	+2.7%	1114	+0.6%

PI10 – 6 out of the total number of incidents within Q2 were within prisons, whilst 4 were in industrial manufacturing. The central BFS team are working with the operational crews to ensure where incidents have occurred a revisit is carried out to ensure compliance with the FSO. In terms of overall numbers, it is a very similar picture to this time last year and we remain under target YTD by 6.

PI14



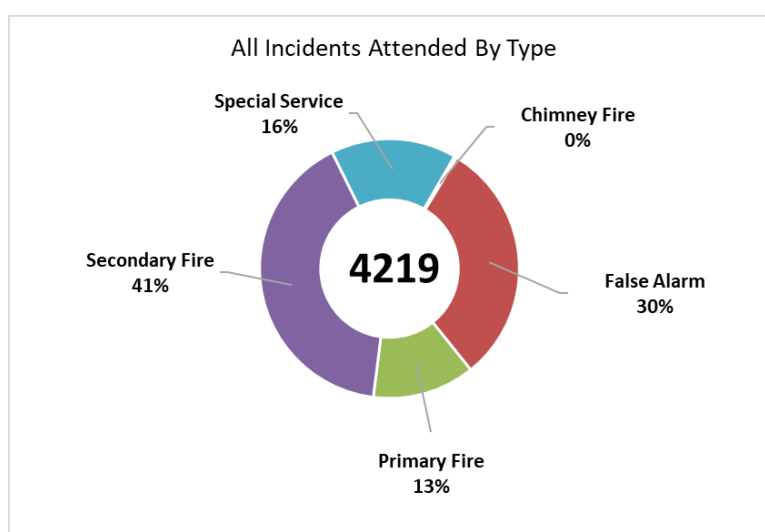
The main premises type for AFA actuations this quarter has been Student Accommodation in the Durham area. More than 2000 new bedrooms have been opened in the past year in the Durham area alone and this is set to continue to increase, this will see an upturn in the numbers of AFA actuations, but the Fire Safety Team are meeting with all of the management companies for the main student

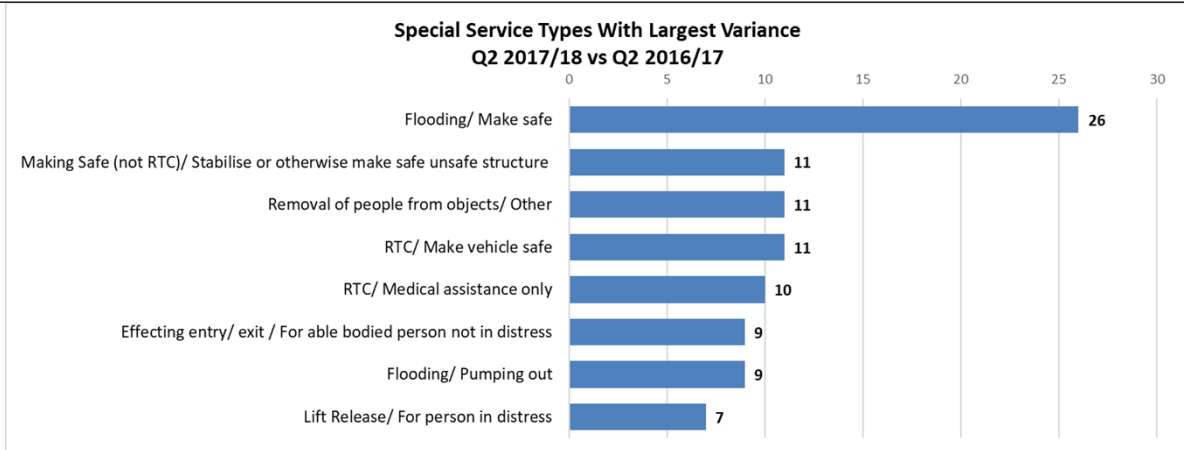
accommodation blocks to minimise the amount of call outs. Areas such as investigation times of around 6 minutes before the service are called and more fire marshals are being looked at to help to minimise the impact on us. This work will be ongoing for the near future. A number of County Council premises, especially in the Stanhope area have been causing issues. This has been discussed with DCC Fire Safety Team and plans are being put in place to cut these calls. Two empty buildings in Stanhope, The Town Hall and Newtown House are causing issues and the possibility of turning off the fire alarms in these premises is being looked at or possibly a silent alarm in the Town Hall as it is passers-by who are currently calling the Service as it is not connected to an alarm receiving centre. Newtown House has also recently been sold so its redevelopment should help in minimising calls. Following a fire service led campaign to reduce the number of unwanted fire signals in educational premises there has been a notable reduction in incidents recorded this year compared to the previous year.

PI17 – The targets are broadly on track and although the central team are a little down this is due to a large number of building regulations and will be caught up on through the year.

Response

Performance Indicator	Objective	Q2 2018/19 Actual	Q2 Target	Actual vs Target	2017/18 Q2 Actual	Actual vs Previous Year
Total Emergency Calls Received (including EMR)		8813			9857	+10.6%
Total Incidents (excluding EMR)		4210			4157	-1.3%
Total Fires		2268			2309	+1.8%
Total False Alarms		1290			1244	-3.7%
Total Special Services (excluding EMR)		650			604	-7.6%
Total Road Traffic Collisions		171			166	-3%
Total Emergency Medical Response (EMR)		9			705	N/A
PI 06 – Number of Response Standards Met	Up	4	6	-33.3%	4	0%
PI 12 – % Retained Availability on Stations	Up	71.9%	90%	-20.1%	72.9%	-1.3%



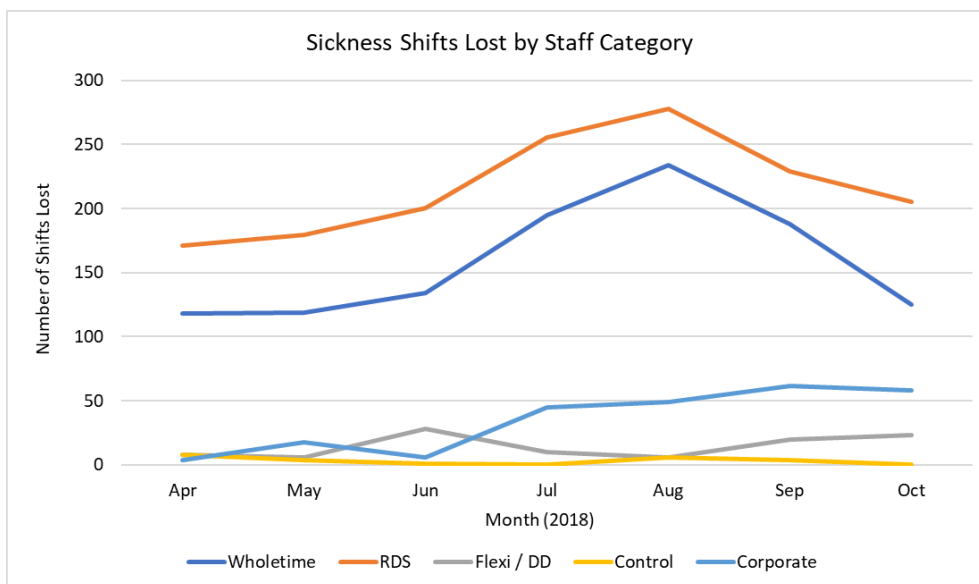


PI06 – We finish quarter 2 achieving 4 out of 6 of the response standards indicators. This has remained consistent across all three months of quarter 2. This is in contrast to achieving 5/6 response standards at the end of quarter 2 in 2017.

PI12 - At the end of September (Q2) the cumulative RDS availability was 71.9%. Whilst there have been a number of resignations and fixed term contracts offered there have also been a number of applications received. A number of RDS staff also have live applications for wholtime positions in alternative fire services with district management teams actively considering and planning for the staffing and recruitment implications. We are currently developing a two-year plan specifically aimed at increasing RDS availability which includes working with HR to streamline the processes to expedite the time from application to going on call. More widely we have recently lost the two Community Safety Responders (CSR) and are currently working with the Police to recruit and look at opportunities to potentially expanding the CSR out into other areas including Sedgfield and Barnard Castle, Potential reductions to RDS numbers have been added to the ER section risk register and individual station registers. The service still faces challenges with the availability of second appliances at Crook, Spennymoor and Barnard Castle and if these were not considered in the overall availability it rises to 80%. First appliances at these stations have excellent availability. Our two-year plan will cover a number of cross sectional workstreams and include the NFCC 'On Call' national recruitment products. This will also tie in with work to establish if RDS/On call support post(s) could be feasible and funded through year on year underspend in the RDS budget. One district manager has also been given the specific reference as the RDS/On call liaison officer

Workforce

Performance Indicator	Objective	Q2 2018/19 Actual	Q2 Target	Actual vs Target	2017/18 Q2 Actual	Actual vs Previous Year
PI 40 - All Staff Sickness	Down	4.63	3	-54.3%	2.78	-66.5%
PI 69a – Number of Accidents to Personnel	Down	10	6	-66.7%	5	-100%
PI 71 – Number of Vehicle Accidents	Down	17	10	-70%	15	-13.3%
Commentary:						
PI40						



All the KPIs for sickness are above target at the half way point in the year and performance has regressed in comparison with last year. The graph below shows a breakdown of the shifts lost in each staff category since the start of the reporting year.

Unfortunately, Wholetime and RDS categories have seen a significant rise in sickness levels and are both above target for this point in the year. The rise in sickness within both these categories has been predominantly due to long term sickness with staff requiring operations with lengthy waiting times and recovery periods. There was also a spike in short term absence within the wholetime category, predominantly due to muscular skeletal and gastroenteritis issues and further long-term absence in the RDS category over the summer period. Its pleasing to see that over September and the latest data available for October, that sickness levels in both categories has started to decline with a 35% reduction in short term absence and 15% reduction in long term for wholetime staff throughout September. This has further improved throughout October and is expected to continue into quarter 3. Long term absence within the RDS category remains high, however this is expected to improve into quarter 3 due to the resolution of a number of cases.

Sickness levels within the other staff categories are good and below target. Command and Control have had very low sickness levels so far this year and in comparison, with previous levels, are showing a significant improvement.

The HR team continue to liaise with line managers to support personnel to return to work as soon as possible through regular welfare visits, occupational health advice, additional support such as physiotherapy or counselling and encouraging discussions around the potential of modified duties once a return to work date is in sight. There are also several improvements being made following an internal audit of sickness procedures around the recoding of absence, fit notes, ensuring return to work discussions are undertaken and any patterns of absence identified at an early stage which the HR team are following up on a regular basis.

PI69a – The recent trend identified over the last reporting period was a small number of incidents where firefighters presented fainting symptoms. One incident occurred recently at an operational incident where a FF had to walk up several flights of stairs to attend a fire while another separate incident occurred immediately after a physical training session where a FF fainted. In response to these two recent incidents the Service Health and Fitness Advisor was requested to ensure that during any communications with crews the key messages of over exertion during a PT session and the importance of good food and hydration are emphasised. No lasting symptoms were presented in either incident and these circumstances will be monitored over forthcoming reporting periods.

PI71 - At the end of this reporting period, the Service has surpassed the annual target for vehicle accidents after only six months. The trend associated with vehicle accidents continues to be slow speed reversing manoeuvres. Following several accidents of this type in the Durham district earlier this year a specific action plan was established for Crook station, however this action plan has now been broadened out to include each district. Progress against this action plan will be monitored and reported

in future performance returns. The driver training section have also completed a review of their SharePoint portal and the way their driver training material is presented throughout the Service. Future work on this will also include a review of driver training documentation.

Finance & Governance

Performance Indicator	Objective	Q2 2018/19 Actual	Q2 Target	Actual vs Target	2017/18 Q2 Actual	Actual vs Previous Year
PI 34 - % of Invoices paid within 30 days	Up	98.2%	95%	+3.3%	99.4%	-1.2%

Commentary:

PI34 – Current performance is slightly higher than the target level but marginally lower than the same period last year. A specific problem had been identified with budget holders that were not using the Oracle system to track invoices. Finance staff are working with, and providing training for, budget holders to prevent this from occurring in the future. Processing numbers remain high due to the finance procedures for chasing payments.

RECOMMENDATIONS

1. members are requested to:
 - a. **Note** the content of the report;
 - b. **Comment** on the reported performance.

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COMBINED FIRE AUTHORITY

18 DECEMBER 2018

ASSAULTS ON EMERGENCY WORKERS (OFFENCES) ACT 2018

REPORT OF CHIEF FIRE OFFICER

PURPOSE OF REPORT

1. The purpose of this report is to make members aware of the Assaults on Emergency Workers (Offences) Act 2018 (the Act) which received Royal Assent on 13 September 2018 and came into force on 13 November 2018.

BACKGROUND

2. The Government have introduced the Act in response to the increase, in recent years, in the number of assaults on emergency workers. The Act applies to England and Wales only.
3. There were 26,000 assaults on police officers in the past year, 15.2% of NHS staff responding to the NHS staff survey say they have experienced physical violence from patients, relatives or the public in the past year and assaults on prison officers rose by 70% in the three years to 2017.
4. Nationally there were 933 incidents involving an attack on firefighters in 2017/18, the highest recorded figure since data was first collected in 2010/11. Members have previously received reports on the number and impact of such incidents locally.

PROVISIONS OF THE ACT

Section 1: Common assault and battery

5. Section 1 of the Act creates a new triable either way offence of assault or battery committed against an emergency worker as defined in the Act. The maximum penalty for the new offence on summary conviction i.e. in the magistrates' court is 12 months imprisonment, or a fine, or both. Subsection (4) makes it clear that the 12 months' imprisonment should be read as 6 months until such time as section 154(1) of the Criminal Justice Act 2003 comes into force.
6. The maximum penalty for an assault or battery against an emergency worker on conviction on indictment i.e. in the Crown Court is 12 months' imprisonment, or a fine or both. This should be compared with the penalties for the offences of common assault (s.39 of the Criminal Justice Act 1988) and assault on a police constable in the execution of their duty (s.89 of the Police Act 1996) both of which are summary only with a maximum custodial penalty of 6 months.

7. The new offence can apply when an emergency worker is acting in the course of their emergency functions. It can also apply when such a person is not at work but is carrying out a function that, if carried out during work time, would have been within the functions of an emergency worker. For example, a firefighter who is assaulted when rescuing someone from a burning building while on his or her way home from work.

Section 2: Aggravating factor

8. Section 2 of the Act creates a statutory aggravating factor. This means that when a specified offence - broadly an assault-related offence or a sexual assault offence - is committed against an emergency worker acting in the exercise of their functions and as defined in the Act, the court should consider the fact that it was so committed as an aggravating factor. This means the offence merits an increased penalty but only within the maximum already set out in statute for that offence. For example, in the case of an individual who has committed the offence of actual bodily harm (s.47 of the Offences against the Person Act 1861) against a police officer, the court must consider the offence to be more serious because the victim is an emergency worker.
9. Subsection (3) lists the offences that the aggravating factor will apply to. These are the following offences under the Offences Against the Person Act 1861:
 - section 16 (threats to kill);
 - section 18 (wounding with intent to cause grievous bodily harm);
 - section 20 (malicious wounding);
 - section 23 (administering poison etc);
 - section 28 (causing bodily injury by gunpowder etc);
 - section 29 (using explosive substances etc with intent to cause grievous bodily harm) and;
 - section 47 (assault occasioning actual bodily harm)
10. Subsection (3) also specifies the common-law offences of:
 - an offence under section 3 of the Sexual Offences Act 2003 (sexual assault);
 - manslaughter;
 - kidnapping;
 - ancillary offences in relation to any of the offences listed in subsection (3) included.
11. These are all assault-related offences as the overall focus of the Act is on physical assaults against emergency workers. The offence of common assault is not included as that is the subject of the new offence at section 1.
12. The statutory aggravating factor effectively replicates the Sentencing Council's Definitive Guideline on Assault but for a specified group of offences when committed against a specified group of people. The Guidelines state that any offence that is committed against any public-sector worker or anyone providing a service to the public is a factor affecting its seriousness and may therefore attract a higher penalty within the statutory maximum.

Section 3: Meaning of “emergency worker”

13. Section 3 provides the definition of “emergency worker” for the purposes of sections 1 and 2 of the Act. The categories broadly include police, prison officers, fire and rescue personnel and certain NHS workers who have interaction with the public as part of their work. These occupations and positions have been included on the basis that these are people who may be required, at some point, to deal with emergencies and who are exposed to the risk of assault in the course of their day to day work.
14. It does not matter whether those emergency workers in the list are paid or unpaid. Although they are referred to as emergency workers, there is no requirement in the Act that they have to be responding to an emergency when the offence in question takes place, but they will have to be performing a function as an emergency worker whether or not they are on duty. Therefore, the Act’s provisions would still apply in the case of a police officer who was attacked when responding to a routine call out.

IMPLICATIONS FOR THE AUTHORITY

15. The Act should be welcomed by the Authority and hopefully will be an additional deterrent to people from carrying out assaults on all emergency workers. Where an attack on staff occurs, the perpetrators, can receive greater sentencing from the courts.
16. Attacks on staff from County Durham and Darlington Fire and Rescue Service are fortunately quite a rare occurrence. Last year we experienced 14 incidents although the vast majority were incidents of verbal abuse rather than physical violence. Each event is reported on the Service’s electronic health and safety reporting system - OSHENS and investigated. Performance in this area is monitored through the Service’s Joint Health and Safety Committee which includes the trade unions, officers and the Authority’s Member Champion for Health and Safety, Cllr Carr. Whilst the number of incidents is relatively low the Service treat any incident as a serious occurrence and welcomes any measure that discourages this kind of behaviour.

RECOMMENDATIONS

17. The Authority is requested to:
 - (a) **note** the contents of the report and the introduction of Assaults on Emergency Workers (Offences) Act 2018.

Stuart Errington, Chief Fire Officer, 0191 3755553

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COMBINED FIRE AUTHORITY

18 DECEMBER 2018

FURTHER GOVERNMENT RESPONSE: ENABLING POLICE AND CRIME COMMISSIONERS (PCCs) TO SIT AND VOTE ON COMBINED FIRE AND RESCUE AUTHORITIES

REPORT OF CHIEF FIRE OFFICER

PURPOSE OF REPORT

1. The purpose of this report is to make members aware of the results of the independent enquiry that was commissioned by the Government following objections from two fire authorities to the consultation entitled 'Enabling Police and Crime Commissioners (PCCs) to sit and vote on Combined Fire and Rescue Authorities'.

BACKGROUND

2. On 27 November the Home Office launched a consultation entitled 'Enabling Police and Crime Commissioners (PCCs) to sit and vote on Combined Fire and Rescue Authorities'. The consultation proposed to take forward one of the strands of governance change, 'the representation model', introduced by the Policing and Crime Act 2017. The representation model enables PCCs to be represented on a Fire and Rescue Authority (FRA) and treated as a member of that authority with voting rights where the FRA agrees.
3. The Authority agreed a draft response to the consultation at its meeting on 21 December 2017. The Government published their response in May 2018 although it was not communicated to fire authorities until 13 June 2018.
4. As two fire authorities (Cleveland and Dorset & Wiltshire) objected to the proposals to amend their combination order via a statutory instrument (S.I.) the Government commissioned an independent enquiry into the concerns raised. The enquiry was implemented under the provisions of the Fire and Rescue Services Act 2004, to better understand their concerns and to help come to a view on whether to make the proposed amendments to their respective combination schemes. The enquiry was undertaken by Jim Barron CBE, a former senior civil servant who worked for the Cabinet Office for 27 years. He published his findings on 11 July 2018 and this was communicated to fire authorities on 26 November. A copy of the results of the enquiry are attached at Appendix A.
5. The enquiry concluded that the objections presented did not carry sufficient strength to prevent the provisions from being made and therefore the Government would amend the combination schemes of those two authorities to enable the PCCs to sit on the authorities as a member with voting rights, where the FRA agrees to such a request.

6. The enquiry made two recommendations to the Government, which were that they should confirm the following:
 - to Cleveland, that if the PCC is appointed, it is open to the Authority to decide locally to increase the membership by one (on the basis that the political balance is heavily weighted in one direction already) to accommodate the PCC or, if they wish to maintain the existing political balance, to reduce the membership by one or increase it by one or more. (The Authority does not need the Home Office's formal approval to increase its membership because the maximum number permitted under its Combination Scheme is 25.)
 - to Cleveland and to Dorset & Wiltshire, that while their Combination Schemes will be amended to allow for the PCC to send a deputy to its meetings, it is open to them and the PCC to agree locally the terms of the PCC's sitting on the Authority and this might involve the PCC's undertaking not to send a deputy or anyone else in their place if they were unable to attend a meeting.
7. The Government has accepted these recommendations and have now written to Cleveland FRA to clarify their position on political balance where they remain clear that it is up to individual FRAs to consider the impact of a PCC's membership locally and to determine how to proceed. Subject to the rules of the relevant combination scheme, local arrangements could be made to allow each constituent authority to appoint extra members if considered appropriate for reasons of proportionality.
8. The Government have also written to both Cleveland and to Dorset & Wiltshire FRA to reiterate their policy position with regards to deputy PCCs. A PCC should be able to appoint a deputy to attend and speak at FRA meetings, but that deputy cannot vote or be treated as an authority member. We further accept that an FRA may come to a local agreement with the PCC not to delegate any PCC functions in respect of the FRA.

IMPLICATIONS FOR THE AUTHORITY

9. The Government is currently in the process of drafting a S.I. to amend the combination schemes of FRAs who are supportive of the amendments. They also intend to incorporate amendments to the combination schemes of Cleveland and Dorset & Wiltshire FRAs within the S.I., which is expected to be laid before Parliament in Spring next year. Applying the 'representation model' to Combined FRAs will enable PCCs to sit on these FRAs with voting rights, where the FRA agrees. This aligns the rules around PCC's applying to be a member of a fire authority across Combined, County and Metropolitan FRAs.
10. Locally, the PCVC (Ron Hogg) has stated, in writing, that he has no intention of pursuing a change to governance for the fire and rescue service nor does he wish to become a member of the Authority.

RECOMMENDATIONS

11. The Authority is requested to:
 - (a) **note** the contents of the report and the outcome of the independent enquiry that was commissioned by the Government following objections from two fire

authorities to the consultation entitled 'Enabling Police and Crime Commissioners (PCCs) to sit and vote on Combined Fire and Rescue Authorities'

Stuart Errington, Chief Fire Officer, 0191 3755553

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REPRESENTATION MODEL INDEPENDENT INQUIRY

This is the report of my independent inquiry into the objections of two Combined Fire and Rescue Authorities (FRAs) – Cleveland Fire Authority and Dorset & Wiltshire Fire and Rescue Authority - to proposed amendments to their Combination Schemes, which would allow the relevant Police and Crime Commissioners (PCCs) for their areas to sit on the FRAs with voting rights where the FRA agrees to such a request from the PCC.

2. It comprises:
 - Summary (page 1)
 - Introduction (page 4)
 - Government’s policy on enabling closer working between the emergency services (page 6)
 - Cleveland Fire Authority (page 7)
 - Dorset & Wiltshire Fire and Rescue Authority (page 15).

SUMMARY

3. The Government’s policy is to foster closer collaborative working between PCCs and local fire and rescue services. One way of doing this is to enable PCCs to take part in discussions and decisions of FRAs in a meaningful and effective way. The Policing and Crime Act 2017 therefore amends various pieces of legislation to enable PCCs to be represented on their local FRA (and/or its committees), with voting rights, subject to the consent of the FRA. Under the Fire and Rescue Services Act 2004 Combined FRAs must have their combination schemes amended before the “representation model” can apply. The 2004 Act provides that where the Secretary of State wishes to make amendments to a combination scheme, a period of formal consultation is required; and where a FRA does not agree to the proposed amendments and the Government, having considered the authority’s views, wishes to proceed, it is then under a duty to hold an inquiry.

4. The consultation exercise was launched on 27 November 2017. The Government issued its response on 12 June 2018. It announced that 20 of the 22 affected Combined FRAs (91%) had agreed with the proposed amendments, that amendments would be made to their combination schemes by a negative statutory instrument and that this inquiry would be held to consider the objections of two that did not agree.

5. As implementation of the Government’s policy of fostering closer working relationships had been enacted in legislation and was also enabling rather than determinative in nature – a FRA is not required to allow a PCC to join its membership - my working assumption throughout the inquiry was that any objection to the proposal would have to be very strong if it were to be successful, that is to persuade the Government not to amend a particular FRA’s Combination Scheme.

Cleveland Fire Authority

6. Cleveland Fire Authority argued that it had a very good working relationship with the PCC for Cleveland (as did their respective services) and it was not necessary to give the PCC

membership of the Authority to improve this further. It did not object to the PCC, as an elected individual, sitting on the Authority, though Hartlepool Borough Council had concerns about this on the grounds that there might be a conflict of interest, real or perceived, when the PCC came to vote on the precept of the Authority. The Authority's main issues were (i) maintaining political proportionality in the event of a particular set of circumstances arising which might mean that the PCC had in effect the casting vote; and (ii) if the PCC was able to send a deputy, how the presence of a non-elected individual on an otherwise elected body would work, a point that Hartlepool Borough Council also made.

7. The Authority was also concerned about the lack of an effective mechanism for reducing the size of its membership if that was necessary to maintain political proportionality, the advent of a further change so soon after the changes to the membership of the Authority in 2016 and the difficulty of increasing the size of the membership so as to maintain political proportionality (if that option were chosen) at a time when the number of fire fighters was being reduced.

8. I was impressed by the nature of the collaborative working relationship between the Authority and the PCC but I do not think that that provides sufficient reason to prevent the enabling power from being put into place. While it is unlikely that Cleveland will see a request to take advantage of the enabling power in the immediate future, there might be a time when it is the right thing to do.

9. I accept that the Authority can foresee a set of circumstances when the PCC might have the casting vote and are concerned about the possible impact on the political balance of the Authority. The Home Office takes the view that it is for an authority to decide what to do in such circumstances. I think it is unlikely that the set of circumstances will occur, and, if it did, it should and would fall to the Authority to consider how best to handle it.

10. Turning to the position of the deputy, one could argue that the individual deputising for the PCC would only have influence if what they said made sense (and that if it did not, he or she would not sway the membership). However, I can understand the Authority's concern that there is a clear distinction to be made between the elected councillors on the Authority and a Deputy PCC who was employed to do a professional job (or anyone else deputising for the PCC), and that, as a consequence, the deputy should not be given membership of the Authority albeit with a less comprehensive role and set of powers.

11. In its response to the consultation exercise the Government confirmed that under the Police Reform and Social Responsibility Act 2011 a PCC was able to delegate his functions to a Deputy PCC or someone else. However, its policy approach towards Combined FRAs was to enable a deputy to attend and speak at FRA meetings, but not to have voting rights and not to be treated as a member of the authority for any purpose, for example making the meeting quorate. The Government took this approach precisely because the members of the Authority do not have similar rights to delegate their role to an unelected official. It saw this approach as the appropriate way of balancing two legislative frameworks.

12. The Home Office further confirmed to me that if a PCC asked to join a FRA, they would expect the parties to engage in a discussion about the terms of the membership. This could include the nature of the deputy arrangements. The combination scheme would be amended to allow an individual deputising for the PCC to attend meetings and speak (but not vote or otherwise be treated as a member of the authority) but the authority and PCC could agree locally not to make provision for a deputy on the basis that the PCC would want to attend all of the meetings of the authority which took place during the year. I think that it is up to Cleveland Fire Authority to agree locally with the PCC what role, if any, the deputy should play on the Authority.

13. I regard Cleveland's other objections as being secondary because they did not attract the same level of emphasis in the written follow up to the consultation exercise and in my discussion with them. I do not think any of them has sufficient force to persuade the Government not to implement its central proposal, with the outcome that the PCC, with the agreement of the FRA, can sit on the Authority.

14. As Cleveland along with several other FRAs were concerned about the additional cost of a PCC when they were under pressure to demonstrate savings, the Government has now stated that its policy intention is that it would not expect PCCs to receive any FRA membership allowance for being on an authority because they would be acting in their capacity of PCC and were already remunerated for that role. The Government has invited views on this approach. I would support the Government's position: as membership of a FRA would flow from and be a key element of the PCC role, which is remunerated, there would seem to be no case for a PCC to ask for an allowance from the FRA for being one of its members. In Cleveland, where the concern was not significant, it is unlikely to be a continuing issue because the PCC has now said that he would not ask for the membership allowance.

Dorset & Wiltshire Fire and Rescue Authority

15. The Authority has no difficulty with the proposal that a PCC should sit on an authority because the individual would have a democratic mandate; indeed, the Authority has fixed the membership of councillors at 18 to allow headroom for the PCCs to join, subject to the PCCs' making (in the Authority's words) a business case that they would add value to its work.

16. The Authority's concern was solely with the proposal that the PCC was able to send a deputy to a meeting of the authority, who would be expected to interact with elected councillors and exercise influence. The Chair told me that the councillors, who put themselves in the hands of the electorate every four years, were acutely aware of the democratic mandate that they held; they believed there should be no confusion between those who were appointed to the Authority as elected councillors and a deputy PCC, who was employed to do a professional job.

17. Dorset & Wiltshire's concerns about an unelected deputy are, in essence, the same as Cleveland's objection to the proposal. It follows that I take the same view.

18. I believe that the issue of the deputy is one that is best discussed and agreed locally. I do not believe opposition to this aspect should prevent the more important feature of the proposals – that the PCC should be able to sit on the authority if the authority agrees – from being put in place.

Conclusion

19. Although it is for the Minister to determine how far he takes into account in his decision making the points put forward by the authorities, my assessment is that the arguments do not have sufficient strength to sustain a successful objection to the Government’s proposal, that the Combination Schemes of the two authorities should be amended to enable the PCC to sit on the authority if it agrees.

20. I do, though, think it would be useful for the Government to confirm the following:

- to Cleveland, that if the PCC is appointed, it is open to the Authority to decide locally to increase the membership by one (on the basis that the political balance is heavily weighted in one direction already) to accommodate the PCC or, if they wish to maintain the existing political balance, to reduce the membership by one or increase it by one or more. (The Authority does not need the Home Office’s formal approval to increase its membership because the maximum number permitted under its Combination Scheme is 25.)
- to Cleveland and to Dorset & Wiltshire, that while their Combination Schemes will be amended to allow for the PCC to send a deputy to its meetings, it is open to them and the PCC to agree locally the terms of the PCC’s sitting on the Authority and this might involve the PCC’s undertaking not to send a deputy or anyone else in his place if he was unable to attend a meeting.

INTRODUCTION

21. I was appointed by the Minister of State for Policing and the Fire Service to undertake an independent inquiry into the objections of two Combined Fire and Rescue Authorities – Cleveland and Dorset & Wiltshire - to proposed amendments to their Combination Schemes, which, with their agreement, would allow the relevant Police and Crime Commissioners for their areas to sit on the FRAs with voting rights, implementing what is termed the “representation model”.

Background to the inquiry

22. The Policing and Crime Act 2017 amends various pieces of legislation to enable PCCs to be represented on their local FRA (and/or its committees), with voting rights, subject to the consent of the FRA. This “representation model” is intended to enable PCCs to take part in discussions and decisions of FRAs in a meaningful and effective way so as to foster closer collaborative working between PCCs and the authorities.

23. Combined FRAs established under section 2 or continued in existence under section 4 of the Fire and Rescue Services Act 2004 must have their combination schemes amended before the “representation model” can apply. The 2004 Act provides that where the Secretary of State wishes to make amendments to a combination scheme, a period of formal consultation is required; and where a FRA does not agree to the proposed amendments and the Government, having considered the authority’s views, wishes to proceed, the Secretary of State is then under a duty to hold an inquiry.

24. On 27 November 2017 the Minister for Policing and the Fire Service launched a public consultation on proposed amendments to combined FRAs combination schemes to apply the “representation model” to Combined FRAS in the same way as it applies to County and Metropolitan FRAs under the Policing and Crime Act 2017. The consultation ended on 15 January 2018. I understand that six FRAs raised concerns about the proposed amendments. The Home Office subsequently clarified its position on a number of issues in further discussion with those authorities. At the end of this further period Cleveland Fire Authority and Dorset & Wiltshire Fire and Rescue Authority maintained their objections.

25. The Government issued its response to the consultation - “summary of consultation responses and next steps” - on 12 June 2018. It announced that 20 of the 22 affected Combined FRAs (91%) had agreed with the proposed amendments, that amendments would be made to their combination schemes by a negative statutory instrument and that this inquiry would be held to consider the objections of two that did not agree.

26. As the Government’s policy had been enacted in legislation and was also enabling rather than determinative in nature – a FRA is not required to allow a PCC to join its membership - my working assumption throughout the inquiry was that any objection raised during the consultation exercise would have to be very strong if it were to be successful, that is to stop the Government’s amending a particular FRA’s combination scheme.

Purpose of the inquiry

27. This inquiry has been set up by the Home Office under the Fire and Rescue Services Act 2004 to better understand the concerns of the two FRAs and to help the Minister come to a view on whether to make the proposed amendments to their respective combination schemes.

28. I was asked:

- to consider the representations made in response to the consultation and the Government’s policy on enabling closer working between the emergency services; in particular, the provisions that aim to strengthen collaboration and fire and rescue governance as set out in the Policing and Crime Act 2017.
- to interpret the objections put forward by each FRA separately and the Government’s position in implementing these provisions.

- to consider whether this should prevent the provisions being made to each FRA's combination scheme, and where necessary, provide any recommendation that may help to resolve the FRA's objection.
- to produce a written report by 11 July.

29. My full terms of reference are at Annex A.

Process followed in the inquiry

30. In terms of carrying out the inquiry, I took into account:

- the Policing and Crime Act 2017 and the accompanying Explanatory Notes;
- the Government's consultation document, published on 27 November 2017, and its response to the consultation, published on 12 June 2018;
- the responses to the consultation from (i) Cleveland Fire Authority and Dorset & Wiltshire Fire and Rescue Authority and subsequent correspondence between the authorities and the Home Office; (ii) the PCCs for Dorset and Wiltshire; and (iii) the responses of Hartlepool Borough Council and Wiltshire County Council; and
- additional material provided to me by Cleveland Fire Authority, as described later in the report.

31. I had the benefit of discussing the FRAs' objections to the proposals with the authorities and the PCC for the Cleveland and the Office of the PCC Wiltshire. We subsequently agreed a note of these discussions or confirmed the main points in an exchange of emails. I had an email exchange with the Office of the Dorset PCC. I also looked at the websites of the authorities and the PCCs.

32. I spoke to the Home Office on a number of occasions during the inquiry seeking clarification of their position.

33. My description of the Government's position, the FRAs' objections and the views of the PCCs are based on the written material and my discussions with them. My assessments of the objections and my conclusions are, of course, my own.

34. I am grateful to the Authorities and to the PCCs for the open and cooperative way in which they approached this inquiry.

THE GOVERNMENT'S POLICY ON ENABLING CLOSER WORKING BETWEEN THE EMERGENCY SERVICES

35. The purpose of the Policing and Crime Act 2017 was, among other things, to drive greater collaboration among emergency services and to bring the same level of direct accountability to fire and rescue as exists to policing. The Act places a duty on police, fire

and rescue and ambulance services to keep collaborative opportunities under review, and to enter into them where it is in the interests of their efficiency or effectiveness. It also enables PCCs to take on responsibility for the governance of fire and rescue services where a local case is made and accepted by the Home Secretary (the “governance model”) and those PCCs (and combined authority mayors with responsibility for both policing and fire) to put in place a single chief officer for both services (the “single employer model”). In areas where the PCC does not take on responsibility for the fire and rescue service the Act contains provision to enable a PCC to be represented on a FRA (outside London) with voting rights, if the FRA agrees (the “representation model”).

36 In respect of the “representation model” for Combined FRAs, the Government proposes to enable the authority to appoint the relevant PCC to be a member of the authority (this provision is already in place for County and Metropolitan FRAs). However, the PCC can only be appointed if he or she requests membership and the authority agrees. If a request is made, the authority must consider the request; give reasons for its decision to agree or refuse the request; and publish those reasons in such a manner as it thinks appropriate.

37. The Government also proposes to allow the PCC to delegate their attendance at a meeting of the authority. The consultation document says that the person who attends on behalf of the PCC may speak at the meeting but not vote; and is not to be treated as a member of the authority for any purpose, for example being part of the meeting quorate. The Government explained that this is because the FRA comprises elected individuals, who, unlike PCCs under the Police Reform and Social Responsibility Act 2011, do not themselves have similar rights to delegate attendance or other delegable functions to an unelected official.

CLEVELAND FIRE AUTHORITY

38. I visited Cleveland Fire Authority on 26 June, where I met:

- Jan Brunton Dobson, Chair of the Authority;
- Ian Hayton, Chief Fire Officer; and
- Peter Devlin, Legal Adviser and Monitoring Officer.

39. As well as Cleveland’s response to the consultation exercise, the Authority had also provided me with the papers for and minutes of the Authority’s meetings where the Government’s proposed amendments had been discussed. They also gave me papers for and minutes of earlier meetings in 2015 and 2016 when consultation with the PCC and the Police Service had been discussed.

40. I had a telephone conversation with Barry Coppinger, the PCC for Cleveland, on 3 July.

The Authority

41. The Cleveland Fire Services (Combination Scheme) Order was made and came into force in December 1995 (1995 No.3131), with the full operation of the scheme coming into

effect on 1 April 1996. The areas of the borough councils of Hartlepool, Middlesbrough, Redcar and Cleveland, and Stockton-on-Tees were combined and Cleveland Fire Authority was constituted as the fire authority for the combined area.

42. The Order also set out the constitution of the Authority. Although the Order allowed for a maximum of 25 members, the Authority decided on 23 because that number made it easier to reflect the relative populations of the boroughs (the Order required (as did the Orders for other authorities) “each constituent authority shall, so far as is practicable, appoint such number of representatives to be members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other constituent authorities’ areas”).

43. Against a background of continuing pressure on public expenditure, the Authority proposed in 2015/16 to reduce the number of members. Consultees included the four boroughs, the MPs for the area and adjacent fire authorities. The general consensus was that action needed to be taken but the size of the Authority was a matter for it. However, Hartlepool strongly preferred the option of 16 members rather than 12 because this would provide them with 3 members rather than 2, thus helping to maintain their influence within the Authority. The Authority consulted the Department for Communities and Local Government, who at the time had responsibility for the Fire Service, about the proposal; they were content.

44. Since 2016 the Authority has had 16 members: 3 for Hartlepool; 4 for Middlesbrough; 4 for Redcar and Cleveland; and 5 for Stockton-on-Tees. Ten of the members are Labour; 3 Conservative; 2 Independent; and 1 Liberal Democrat. The Chair confirmed that given the nature of the Authority’s business, the members work together on the issues facing it and do not tend to vote along party lines.

The Authority’s consideration of the Government’s proposals

45. The Authority had considered the Government’s proposals at a full meeting on 8 December. Ian Hayton, on behalf of the Authority, submitted its objections to the Home Office on 9 January 2018.

46. The Home Office noted the Authority’s objections on 16 February, responded to the issues that had been raised and invited the Authority to reconsider its objections in the light of the clarifications provided and to respond by 28 February. Ian Hayton replied on 27 February saying that in accordance with its governance rules, the Chair had no democratic mandate to amend the Authority’s stated objection. He added that “while the Authority remained staunchly opposed to the proposal, the Chair would wish to confirm that the Authority would fully comply with any future statutory amendments and would equally give any request, by the local Police and Crime Commissioner, Mr Barry Coppinger to become a member of the Fire Authority, serious consideration”.

47. On 9 March the Authority considered the Home Office response and confirmed its view of the proposals. It concluded that it was not minded to remove its objection while the position on the issues which particularly troubled it (political proportionality and an

unelected deputy) remained unresolved. This view was conveyed to the Home Office on 26 March.

The Authority's objections to the Government's proposals

48. The Authority's starting point for its objection was (in its words) "if it isn't broke don't fix it". It went on to express concerns about the issues of political proportionality and an unelected deputy being able to take the place of the PCC in meetings, points which carried equal weight in the Authority's thinking. It was also concerned about the lack of a mechanism for making a reduction in the size of the membership, the impact of a further change to its governance and how an increase in its membership would be viewed against a background of a reduction in the number of fire fighters.

If it isn't broke don't fix it

49. In its objection to the Home Office, the Authority pointed to the strength of the existing relationship with the PCC and the achievement, in practice, of effective collaboration and integrated working between the emergency services on Teeside that had achieved tangible improvements in: public safety and the management of community risk (effectiveness); connected and co-ordinated front-line services; improvements in the performance of the emergency services, individually and collectively; the maximisation of cost efficiency, economies of scale and value for money (efficiency); improvements to the resilience, responsiveness and sustainability of local emergency services (resilience); and ensuring an integrated emergency services response to major or complex incidents (interoperability).

50. In discussion with me, the Authority pointed out that the PCC had not been elected to sit on the FRA and membership of the Authority might require a PCC to acquire a new set of skills.

Political proportionality

51. Although there is currently a substantial political majority on the Authority, it could imagine a set of circumstances in which the overall political balance within the Authority could become finely drawn. If the size of its membership had been increased by one to accommodate the PCC, it might mean that the PCC had in effect the casting vote. As the current PCC was elected on a Labour ticket, this would mean that Labour would carry the day on the issue. To avoid this, the Authority had considered maintaining the existing political balance of the Authority by reducing the Labour membership by one, with the PCC replacing that member. But this raised the questions of which Labour member would stand down, which council would lose a representative and whether or not his or her borough council would then be under-represented vis-à-vis the other councils.

52. The Authority did accept that this was a potential issue rather than one that was likely to be faced because so far decisions had generally had the full support of all of the members and had not been taken on political grounds.

53. The Authority explained the comment in its formal objection about the possible impact on independents. Speaking hypothetically, if the PCC had no political affiliation, would that mean that an independent would have to step down to maintain the political balance? And if it did, would this be portrayed as an attack on independents, given the number of independent members was so small?

A non-elected deputy

54. The Authority was united in its concern that a non-elected deputy could attend meetings. Although there was a substitution system in place within the Authority, which meant that if a member could not attend a meeting a fellow elected member could attend in their place, there was no mechanism whereby anyone else could attend on the member's behalf, for example a political assistant. Members were concerned that a PCC had the power to send an unelected deputy in his or her place.

55. The Authority was not clear how the presence of a non-elected individual on an otherwise elected body would work. There was concern that this was the start of a move towards a different model of governance, which would challenge the democratic nature of the Authority.

56. Contrasts were drawn with the attendance of brigade officers and other independent persons. Brigade officers attended meetings of the Authority (or parts of them) on a case by case basis, for example if they were presenting an issue within their responsibility. Or they might attend for development and succession planning reasons. But they spoke at the invitation of the chair.

57. The Authority had independent persons appointed under section 28 of the Localism Act 2011 on its Audit and Governance Committee, but the position in relation to them was very different. The individuals had applied in response to an advertisement and had been formally appointed as the result of a selection exercise. They were completely independent and had no connection to the members. They too were invited to speak by the chair. There was a concern that unlike these independents, the deputy would have an association with the PCC rather than the Authority.

Mechanism for reducing the number of members

58. The Authority noted that if the intention was to maintain the number of members at 16, there was no mechanism for a member to step down to accommodate the PCC apart from a member's deciding to resign. And in the normal course of events if a member were to resign, his or her borough council would wish to nominate a replacement.

59. The position in Cleveland was complicated by the different approach towards appointments to the Authority adopted by the borough councils. For example, Stockton-on-Tees appointed all five of its members for a four year term at the same time because the Council as a whole was elected together; whereas Hartlepool appointed its members for a year at a time because a third of the council was elected every year.

A further change

60. The Authority explained that they had been through a thorough review and full consultation exercise in 2016 when the number of members had been reduced to 16. They were reluctant to face another change so soon after the last one.

Front-line reductions

61. In a process that was still continuing, the Fire Service had seen a 30% reduction in front line fire fighters since 2010. The Authority thought that it would be very difficult to explain why the size of the Authority was being increased when the number of fire fighters was being reduced. It did, though, appreciate that this would be more a question of perception rather than reality. The cost of an additional member would be relatively small in terms of allowance payments. Moreover, there was provision for a member to forego the allowances. The possible cost of increasing the membership was therefore seen to be a second level consideration.

The PCC's views

62. Mr Coppinger, the PCC for Cleveland, advised me that while he was open minded about the governance arrangements for fire authorities and other emergency services in the longer term, seeking membership of the Authority was not an immediate priority for him. He confirmed that he had a good collaborative working relationship with the Authority and was looking to build on that. On the question of an unelected deputy, he said that if appointed, he would wish to proceed on the basis of consensus and would be prepared to give an assurance that he would seek to attend all of the Authority's meetings and that if he could not attend a particular meeting, he would not send anyone else in his place. He does not have a Deputy.

Hartlepool Borough Council's objections

63. Following an elected members seminar on 10 January 2018 which had discussed the Government's proposal, Gill Alexander, the Chief Executive of the Borough Council, wrote to the Home Office on 15 January setting out the Council's concerns. While the Council saw merits in the proposal, they were concerned at the effect of the PCC's sitting on a FRA and, in particular, the PCC's ability to delegate attendance to a deputy, which they felt would strongly distort the composition and purpose of a FRA. The presence of a deputy would be totally out of keeping with the basis of elected representation on a FRA.

64. The Council were also concerned that a PCC could be compromised (or there would be a perception that the PCC could be) when he or she attended and voted upon the precept of a FRA in addition to taking part in the budget setting requirements of a PCC for his or her own police area.

65. The Council concluded that the Government's proposal presented "severe representational and reputational issues for the PCC and FRA", which were "most starkly

illustrated on the status and position of a 'deputy' sitting on the FRA in the absence of a PCC".

My assessment of the Authority's objections

66. As my starting point, I note that the Authority's assurance to the Home Office that while it remained opposed to the proposal, it would fully comply with any future statutory amendments and would equally give any request, by the local PCC to become a member of the Fire Authority, serious consideration. It seems to me that the Authority does not object in principle to the idea of a PCC asking to join the Authority and, subject to the Authority's agreement, then joining it. Any concerns that the PCC had not been elected with the prospect of serving on the Authority will, of course, disappear with the next round of PCC elections. And any concern that the PCC did not have the required skills set (or lacked knowledge of the work of a FRA), could be met by a tailored induction programme. Rather the Authority objects to the overall proposal while its concerns over political proportionality and an unelected deputy remain unresolved. I do note that Hartlepool Borough Council has a more substantial objection to the principle of a PCC being a member of the Authority.

67. On the "if it isn't broke don't fix it" point, the Authority and the PCC seem to have good working relationship and both parties are keen to build on that. They advised me that the Chair of the Authority, the PCC, the Chief Fire Officer and the Chief Constable had signed a memorandum of understanding and now met on a quarterly basis to discuss common strategic issues. The Chief Fire Officer and Chief Constable discuss operational issues every month. And below these strategic and operational levels there are a number of collaborative development working groups comprising officers of the Fire and Police Services which look at various initiatives. Links were also beginning to emerge with the North East Ambulance Service, other fire services and the water utilities. Against that background, neither party currently sees the PCC's membership of the Authority as a necessary step for further increasing collaboration. However, that does not seem to me to be a sufficient reason to rule out the possibility of the PCC's joining the Authority; at some point it might be the right thing to do.

68. On political proportionality, it is difficult to see how the appointment of the PCC (with a Labour hue) could upset the current political balance, when 10 of the 16 current members of the Authority come from a Labour background. Even if the position were to change, it is probable that the current approach of seeking round-the-table agreement to decisions would continue, given the nature of the issues discussed by the Authority. I accept that the Authority can envisage a set of circumstances where the political balance of the Authority could become more finely drawn but the chances of that happening must be remote. I think it would be difficult to base a decision – to forego giving an enabling power to the Authority - on the possibility that what is likely to be a rare set of circumstances might occur.

69. The Government's response confirms that it is up to a FRA to consider the impact of a PCC's membership locally and to determine how they wish to proceed. It further says that it is open to an authority to increase the number of members, but urges the authority to keep the number under review "to ensure that it is sufficient enough to allow effective

scrutiny, while being focused, nimble and decisive but not over burdensome". The Home Office has confirmed to me that it would be open to the authority to increase its membership by one to accommodate the PCC or, if it wished to maintain its political balance, to reduce its membership by one or to increase membership by one or more. It seems to me that if the Authority were to agree that the PCC should be appointed to the body, the decision on how it should proceed on the question of maintaining political balance is rightly one for it to take locally.

70. The issue of an unelected deputy taking the place of the PCC is more problematic. The Authority has no substantive objection to an elected PCC asking for membership of the Authority; its concern is a non-elected member taking part in discussions and influencing the decisions that are taken. Hartlepool Borough Council also had concerns on this point - they are particularly uneasy about the role of the deputy, saying this was out of keeping with the elected nature of a FRA.

71. Although one could argue that the individual deputising for the PCC would only have influence if what they said made sense (and that if it did not, he or she would not sway the membership), I can understand the concern that the presence of an unelected deputy might begin to change the elected nature of an authority.

72. In its response to the consultation exercise the Government confirmed that under the Police Reform and Social Responsibility Act 2011 a PCC was enabled to delegate certain functions to a Deputy PCC or arrange for any person not a DPPC to exercise these functions (a deputy). This would include enabling a deputy (including a Deputy) to attend and speak at meetings of the FRA where the PCC is unable to, and potentially enables a deputy to have voting rights (subject to amendments being made to the relevant combination scheme). However, the Government's policy approach towards Combined FRAs is to enable a deputy to attend and speak at FRA meetings, but not to have voting rights and not to be treated as a member of the authority for any purpose, for example making the meeting quorate. The Government took this approach precisely because the members of an authority do not have similar rights to delegate their role to an unelected official. It saw this approach as the appropriate way of balancing two legislative frameworks.

73. When I discussed this point with the Home Office, they advised me that if a PCC asked to join a FRA, they would expect the parties to engage in a discussion about the terms of the membership. This could include the nature of the deputy arrangements. The combination scheme would be amended to allow the PCC to send a deputy to meetings of the authority in their place. However, the authority and PCC could agree locally not to make provision for attendance by a deputy at all on the basis that the PCC, committed to his or her role on the FRA, would want to attend all of the meetings of the authority which took place during the year (there are usually only 4 or 5 of them). The Home Office can, therefore, envisage circumstances in which provision for a deputy is not made.

74. I also note that in relation to Cleveland that the PCC is willing to give an assurance that (i) he will seek to attend all meetings of the Authority and (ii) if he cannot attend a particular meeting, he will not send a Deputy (he does not have one) or someone else in his place.

75. It seems to me that the issue of the deputy is one that is best discussed and agreed locally. I do not believe opposition to this aspect should prevent the more important outcome of the proposals – that the PCC should be able to sit on the authority if the authority agrees – from being put in place.

76. I would regard Cleveland's other objections as secondary level concerns because they were not included in the Authority's email of 9 March to the Home Office which confirmed that the Authority would maintain its objection to the overall proposal while the position on the issues that particularly troubled it – political proportionality and an unelected deputy – remained unresolved. This relative emphasis was also reflected in my discussion with the Authority. I comment on these concerns as follows: on having no mechanism for reducing the membership by one, if a PCC were appointed and the Authority wished to follow this path to maintain political balance, it would be up to them to agree a way forward with the constituent borough councils. I do not think that the Authority's having gone through a change in 2016 (the reduction in its membership to 16) is sufficient to prevent a further change now, particularly one that is being introduced across the country.

77. I agree with Cleveland that the difficulty of increasing the size of the Authority at a time when the number of fire fighters is being reduced is more of a question of perception than one of reality. The allowances for an additional member would not be significant (the annual basic allowance is currently £2,194 a year), and there is provision for a member to forego allowances. In the case of Cleveland the PCC has confirmed that he would not seek any remuneration beyond his PCC salary for being a member of the Authority.

78. In its response to the consultation exercise the Government said that it had considered the views expressed on the issue of allowances – a number of FRAs were concerned about the additional cost of a PCC when they were under pressure to reduce the membership in order to demonstrate savings. It said that its policy intention was that it would not expect PCCs to receive any additional allowance for being represented on a FRA. As they would be acting in their capacity of PCC and they were already remunerated for that role, the Government would not want the PCC's representation to increase the governance costs of the authority. It would be open to the PCC to claim expenses but only in relation to their role as a PCC and not as a member of the authority.

79. The Government has invited the views of FRAs and PCCs on this point. It also expects that this inquiry would look to explore the issue because one of the FRAs who had objected had raised this as a concern.

80. Concern about allowances is unlikely to be an issue in Cleveland any longer because the PCC has now advised that he would not ask for one. I would, though, endorse the Government's position: PCCs are remunerated for the role of PCC and, as membership of a FRA would flow from and be a key element of that role, there would seem to be no case for a PCC to ask for an allowance from the FRA for being one of its members.

81. In summary, although it is a matter for the Minister to determine how far he takes into account in his decision making the points put forward by Cleveland Fire Authority, my assessment is that the arguments do not have sufficient strength to sustain a successful objection.

82. I do, though, think it would be useful for the Government to confirm to the Authority that:

- if the PCC is appointed, it is open to them to decide locally to increase the membership by one (on the basis that the political balance is heavily weighted in one direction already) to accommodate the PCC or, if they wish to maintain the existing political balance, to reduce the membership by one or increase it by one or more. (I note that the Authority does not need the Home Office's formal approval to increase its membership because the maximum number permitted under its Combination Scheme is 25.)
- while the Authority's Combination Scheme will be amended to allow for the PCC to send a deputy to its meetings, it is open to them and the PCC to agree locally the terms of the PCC's sitting on the Authority and this might involve the PCC's undertaking not to send a deputy or someone else in his place if he was unable to attend a meeting.

DORSET & WILTSHIRE FIRE AND RESCUE AUTHORITY

83. I spoke to Jonathan Mair, the Clerk and Monitoring Officer for Dorset & Wiltshire FRA, on 4 July and Spencer Flower, the Chair of the Authority, on 6 July. I also spoke to Kieran Kilgallen, the Chief Executive of the Office of the Wiltshire PCC (Angus Macpherson) on 5 July and had an email exchange with Simon Bullock, the Chief Executive of the Office of the Dorset PCC (Martyn Underhill) between 5 and 10 July.

The Authority

84. The Authority has 18 members drawn from five constituent councils according to their relative share of the electorate in the Authority's area: Dorset (5); Bournemouth Borough Council (2); Borough of Poole (2); Wiltshire (6); and Swindon Borough Council (3). In terms of the members' political background, 13 are Conservative, 3 Liberal Democrat, 1 Labour and 1 Independent. The Chair and the Monitoring Officer both advised me that if one were to attend a meeting of the Authority, one would not be able to tell the political allegiance of the members because of the nature of the issues under discussion and the wish to proceed by consensus.

85. From 1997 there were separate authorities for Dorset (and Bournemouth and Poole) and Wiltshire (and Swindon). 2013 saw the start of a process leading to convergence. The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (Statutory Instrument No 435) came into full effect on 1 April 2016.

86. The new Authority had a combined membership of 30 in 2016. The Authority recognised from the outset that the number of members was too large and the Chair led a review with the aim of reducing it. This coincided with discussions about the Policing and Crime Bill and the Government's emphasis on more effective service and governance arrangements. Members wanted to embrace the spirit of the Bill and supported a more streamlined membership. This was given effect by the Fire and Rescue Authority (Membership) Order 2017 (Statutory Instrument 1165), which covered Hampshire and the West Midlands as well as Dorset & Wiltshire. The Chair told me that the Authority thought that a maximum membership of 20 would be effective in governance terms and, wanting to allow headroom for the PCCS for Dorset and Wiltshire to join (subject to their making (in their words) a business case for doing so), decided on a membership of 18 councillors.

The Authority's consideration of the Government's proposals

87. The Chair, who took soundings from the other members, the Chief Fire Officer and the Clerk and Monitoring Officer considered the Government's proposal. Given the timing of the Authority's meetings there was no opportunity to put the proposal to a full meeting of the Authority.

88. The Home Office responded to the Authority's objections on 16 February, clarifying its policy on deputies. Jonathan Mair, on behalf of the Authority, confirmed the Authority's continued objection on 23 February.

The Authority's objections to the Government's proposals

89. The Authority had no difficulty with the proposal that a PCC should sit on an authority because the individual would have a democratic mandate; indeed, the Authority had fixed the membership of councillors at 18 to allow headroom for the PCCs to join, subject to their making a business case that they would add value to the work of the Authority.

90. The Authority's concern was with the proposal that the PCC was able to send a deputy to meeting of the authority. In its written material the Authority set out its objection to the notion that a PCC may be substituted by an un-elected person who, whilst not being a voting substitute, would be expected to interact with elected councillors and exercise influence. Part of its opposition was the inequality of an arrangement in which councillors who are members of the Authority could not be substituted in the event that they were unable to attend but the PCC could be substituted. This inequality was starker now that the membership of the Authority had been reduced to 18. For example, if a member representing the Borough of Poole, which has two representatives, were unable to attend Poole would be under-represented, and it would be difficult to explain why the PCC could be substituted when the councillor could not be. (The Authority has no provision to allow for the substitution of a member by another elected councillor.)

91. In our discussion, the Chair of the Authority confirmed this view: the councillors, who put themselves in the hands of the electorate every four years, were acutely aware of the democratic mandate that they held; and there should be no confusion between those

who were appointed as elected councillors to the Authority and a deputy PCC, who was employed to do a professional job. If the deputy had been elected alongside the PCC there would be no issue with his or her taking part in meetings of the Authority. The Chair was very concerned about the governance of the Authority and would not wish to do anything which affected its quality.

The PCCs' views

92. Both PCCs responded to the consultation exercise, saying they were content with the Government's proposals. The Chief Executives for the PCCs for Dorset and Wiltshire both confirmed to me that the PCCs were content with the proposal that a PCC should be able to send a deputy to represent them at the meeting, but that person should not be able to vote. The Chief Executive for the PCC for Dorset noted that this was a compromise. Although legislation provided for the deputy to substitute for the PCC at a FRA and undertake the full role (including having voting rights), he also recognised the contrary position. He therefore agreed that the Home Office policy was a sensible way forward.

Wiltshire County Council's views

93. Baroness Scott, the Leader of Wiltshire Council, responded to the consultation exercise by agreeing with the Government's proposal. She thought that the proposal "will helpfully streamline the process for including PCCs on combined FRAs and potentially drive integration between police, fire and constituent authorities". She pointed to strong collaboration in Wiltshire between the council and emergency services and added some thoughts about the handling of requests from PCCs where a combined FRA covered more than one PCC area so as to ensure equity in potential representation.

My assessment of the Authority's objections

94. Dorset & Wiltshire's concerns about an unelected deputy are, in essence, the same as Cleveland's objection to the proposal. It follows that I take the same view.

95. Although one could argue that the individual deputising for the PCC would only have influence if what they said made sense (and that if it did not, he or she would not sway the membership), I can understand the Authority's concern that there is a clear distinction between the elected councillors on the Authority and a deputy who was employed to do a professional job, and that the deputy should not be given membership of the Authority, albeit with a less comprehensive role and powers.

96. In its response to the consultation exercise the Government confirmed that under the Police Reform and Social Responsibility Act 2011 a PCC was enabled to delegate certain functions to a Deputy PCC or arrange for any person not a DPPC to exercise these functions (a deputy). This would include enabling a deputy (including a Deputy) to attend and speak at meetings of the FRA where the PCC is unable to, and potentially enables a deputy to have voting rights (subject to amendments being made to the relevant combination scheme). However, the Government's policy approach towards Combined FRAs, which was to enable a deputy to attend and speak at FRA meetings, but not to have voting rights and not to be

treated as a member of the authority for any purpose, for example making the meeting quorate. The Government took this approach precisely because the members of the Authority do not have similar rights to delegate their role to an unelected official. It saw this approach as the appropriate way of balancing two legislative frameworks.

97. As I note in relation to Cleveland, the Home Office advised me that if a PCC asked to join a FRA, they would expect the parties to engage in a discussion about the terms of the membership. This could include the nature of the deputy arrangements. The combination scheme would be amended to allow the PCC to send a deputy to meetings of the authority in their place. However, the authority and PCC could agree locally not to make provision for attendance by a deputy at all on the basis that the PCC, committed to his or her role on the FRA, would want to attend all of the meetings of the authority which took place during the year (there are usually only 4 or 5 of them). The Home Office can, therefore, envisage circumstances in which provision for a deputy is not made.

98. As with Cleveland, I conclude that the issue of the deputy is one that is best discussed and agreed locally. I do not believe opposition to this aspect should prevent the more important feature of the proposals – that the PCC should be able to sit on the authority if the authority agrees – from being put in place.

99. In summary, it is, of course, a matter for the Minister to determine how far he takes into account in his decision making the points put forward by Dorset & Wiltshire Fire and Rescue Authority; however, my assessment is that the arguments are not sufficiently strong to sustain a successful objection to the Government's proposal to amend its Combination Scheme.

100. I do, though, think it would be useful for the Government to confirm to the Authority that it is open to them and the PCC to agree locally the terms of a PCC's sitting on the Authority and this might involve the PCC's undertaking not to send a deputy in his place if he was unable to attend a meeting of the Authority.

J K Barron CBE
11 July 2018

Terms of reference

Independent inquiry following the representation model consultation

PURPOSE

1. **To undertake an independent inquiry that must be held if a Combined Fire and Rescue Authority (FRA) does not agree to the Secretary of State's proposed amendments to its combination scheme.**

BACKGROUND

2. **The Policing and Crime Act 2017 amends various pieces of legislation to enable Police and Crime Commissioners (PCCs) to be represented on their local FRA (and/or its committees), with voting rights, subject to the consent of the FRA.** This 'representation model' is intended to enable PCCs to take part in discussions and decisions in a meaningful and effective way to foster closer collaborative working between PCCs and local fire and rescue services.
3. **Combined FRAs established under sections 2 and 4 of the Fire and Rescue Services Act 2004 must have their combination schemes amended before the 'representation model' can apply.** Where the Secretary of State wishes to proactively make amendments to a combination scheme, a period of formal consultation is required (see sections 2(5) and 4(5) of the Fire and Rescue Services Act 2004). To this end, a consultation was launched on 27 November 2017 and closed on 15 January 2018.
4. **The Government has considered the consultation responses and will now begin to draft a negative statutory instrument to amend the combination scheme of FRAs who are supportive of the amendment.**
5. **Two FRAs objected to the proposed amendments; Cleveland and Dorset & Wiltshire.** Where a FRA does not agree with the proposed amendments to their combination scheme, and the Secretary of State wishes to continue with the amendments, the Secretary of State is under a duty to hold an inquiry (see sections 2(8) and (9) and 4(6) and (7) of the Fire and Rescue Services Act 2004). As such, the Home Office intends to launch an inquiry under the provisions of the 2004 Act to better understand the concerns of the FRAs and to help come to a view on whether to amend the respective combination schemes.

REQUIREMENTS OF THE INQUIRY

6. **The purpose of the inquiry is to consider the objections raised by two FRAs, Cleveland FRA and Dorset and Wiltshire FRA, to the proposed Government amendments to their combination scheme.** The inquirer will need to interpret the objections put forward by each FRA (separately) and the Government's position on implementing these provisions. You will need to consider whether this should prevent the provisions being made to each FRAs combination scheme, and where necessary, provide any recommendations that may help to resolve the FRAs objections
7. **To ensure the independence of the inquiry itself, the Home Office is not prescribing how the inquiry should be carried out, but the inquirer should have due regard to:**
 - a) The Government's policy on [enabling closer working between the emergency services](#) and in particular, the provisions that aim to strengthen fire and rescue governance, drive greater collaboration and develop the role of PCCs as set out in the Policing and Crime Act 2017. This includes the 'representation model', whereby PCCs are able to sit on and on a FRA with voting rights.
 - b) The representations made by FRAs and other interested parties in response to the consultation on the proposed amendments, including any accompanying documentation, in order to interpret and clarify the objections or other views on the proposals.
 - c) The need to engage with the affected FRAs and consider whether to engage other relevant stakeholders, such as the local authority and/or relevant PCC. The aim is to understand the evidence that has been provided by the two FRAs to support the conclusions reached in their response to the consultation, to assess whether these are substantiated and challenge where necessary.
 - d) Consider the need to collect further evidence from relevant parties as appropriate.
 - e) The need to produce a written report, citing all sources, and with clear conclusions in response to the relevant FRA's objection to the Secretary of State's proposed amendments. In the interests of transparency, the inquiry report and Government response to the inquiry will be published shortly afterwards.
 - f) List all assumptions made in coming to conclusions and reaching a final judgement. Supporting evidence should be clearly presented. The inquirer may reach a different conclusion for individual FRAs dependent on the evidence presented.

Be able to outline to the Home Office who they have contacted in conducting the assessment, when and on what basis. Where the Inquirer has been unable to come to a view on a matter due to inability to obtain required information from relevant parties they should outline this to the Home Office and make this clear in their final report.

TIMESCALES

8. We expect that it would take up to 10 working days to complete the inquiry over a period of four weeks.
9. The inquirer must submit an inquiry report to the Home Office once the inquiry is complete. The Inquiry report and a Government response to the inquiry will be published shortly afterwards.
10. An extension may be requested by the inquirer depending on the nature of the objections, the associated workload and the level of engagement with relevant stakeholders.

QUALITY

11. The final report provided to the Home Office must clearly set out:

- a) any elements the inquirer has been unable to investigate due to the lack of engagement from relevant parties or for any other reason
- b) any elements of the evidence or information that they have been unable to form a view on, and the rationale for this
- c) how the inquirer has reached their view, supplemented with appropriate supporting evidence to enable the Home Office to understand their assessment and how they reached their conclusions and,
- d) the inquirer's interpretation of the objections put forward by each FRA (separately) and the Government's position on implementing these provisions. Including whether the objections should prevent the provisions being made to each FRAs combination scheme, and where necessary, provide any recommendations that may help to resolve the FRAs objections

12. In line with the principles developed to shape the process, the inquirer must ensure that the approach or methodology applied is:

- a) **Robust** - the inquirer must ensure, to the best of their knowledge, they are satisfied with the accuracy of any information provided to them in making their decision and any final documentation provided to the Home Office.
- b) **Transparent** – the inquirer must set out in the report how they approached the inquiry and how they came to a judgement.
- c) **Impartial** – must maintain an objective and impartial view when conducting the inquiry.
- d) **Timely** – the independent inquirer should aim to deliver the report in accordance with agreed timescales and inform the Home Office of any anticipated risks or issues which will impact on this.



COMBINED FIRE AUTHORITY

18 DECEMBER 2018

APPOINTMENT OF INDEPENDENT PERSONS

REPORT OF CLERK

PURPOSE OF THE REPORT

1. To seek approval to recruit independent persons to the Fire Authority.

BACKGROUND

2. The Localism Act 2011 provides the framework intended to secure high standards of conduct in public office, and it requires the appointment, by the Authority, of at least one independent person.
3. The independent person must be consulted by the Authority and their views taken into account before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides an action to be taken in respect to that member. They may also be consulted by the Authority in respect of a complaint at any other stage and, they may be consulted by a member of the Authority against whom the complaint has been made.
4. On 26 September 2012 following a recruitment process the Authority agreed the appointment of two independent persons, Mr James Dykes and Mr James Dickinson.
5. Early in 2018 Mr Dykes resigned from his position, therefore, the Authority has been operating with one independent member since that time, however, it should be noted that there has not been any code of conduct issue or complaints which would have called upon his services.

FUTURE POSITION

6. It is 6 years since the recruitment and appointment of the independent persons. Following the resignation of Mr Dykes earlier in the year, the Authority is asked to consider the position going forward.
7. The Authority is required by law to have at least one independent person, and operating with one in the long term could cause administrative difficulties should the person be indisposed for whatever reason. There a number of options available for the Authority:

Option 1- continue to operate as currently with one independent person by re-confirming the position of Mr Dickinson and determining the length of office going forward. It is understood that Mr Dickinson would be willing to continue in the role.

Option 2- have two independent persons by re-confirming the position of Mr Dickinson and determine the length of office going forward, together with undertaking a recruitment process to appoint the other independent person.

Option 3- undertake a recruitment process to appoint either one or two independent persons, and determine their length of office.

It should be noted that there is no statutory bar against the reappointment of an independent person. The Authority may consider that it is helpful to keep continuity of expertise in these matters, however, it may also be beneficial to review the person(s) appointed given the length of time since the last recruitment exercise.

8. Whether the Authority agree to re-appoint the existing person and/or seek to recruit new appointees, it is suggested that the persons be appointed for a four-year term depending on when they are able to take office, which would expire on 30 April 2023. This would refresh the independent person(s) mid-term of the four-year term of office of the county council's elected members, and therefore provide continuity for the Authority.
9. If the Authority is minded to recruit, it is suggested that an advert be made in the local press and on the Authority's website early in the new year to seek candidates to fill the position(s), and for the appointment(s) to be delegated to the Appointments Panel.
10. For any vacancies arising within the agreed term of office, appointments would be made through the same procedure as outlined in paragraph 9.

RECOMMENDATION

11. Members are recommended to:

- (a) Consider the options set out in paragraph 7 of the report to agree which option to take forward, and agree that the term of office be for a period expiring on 30 April 2023.
- (b) If a recruitment exercise is to be undertaken that this be in accordance with paragraph 9 of the report.

H. Lynch
Clerk to Combined Fire Authority

Fire at Gardner Aerospace, Consett

(Number One Industrial Estate)

1st November 2018

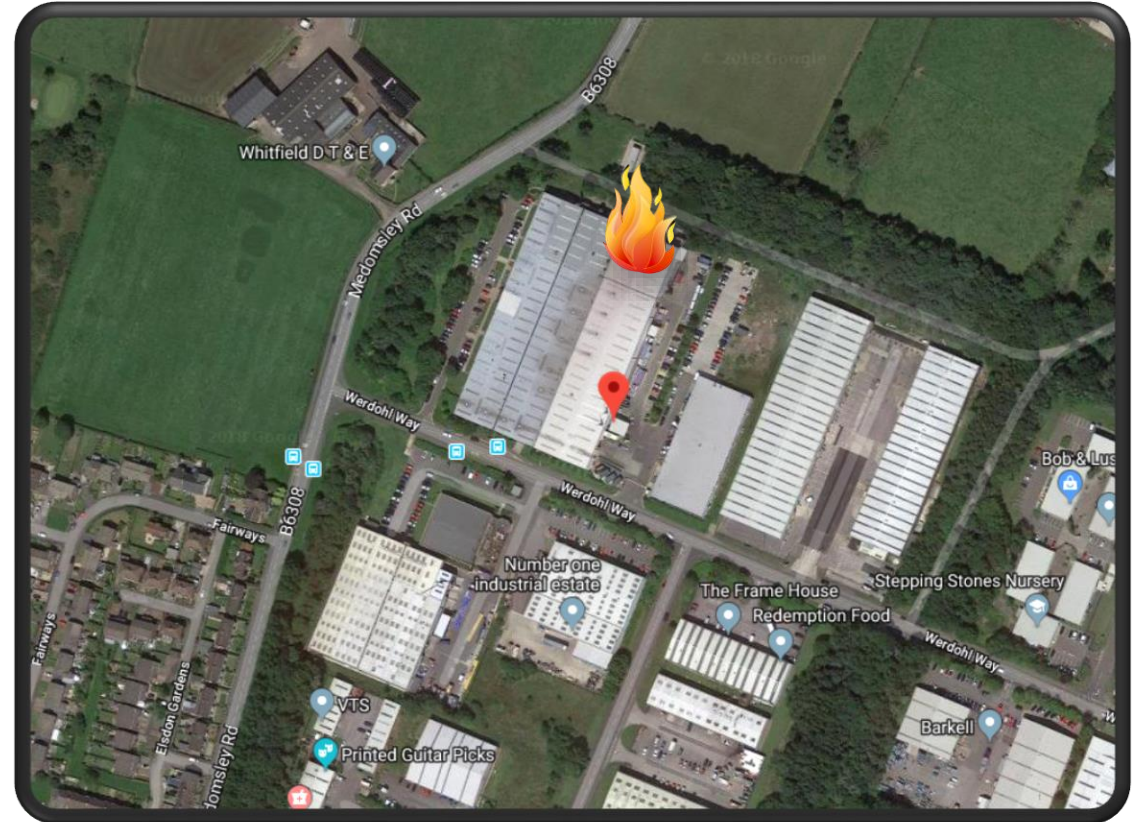


Incident location

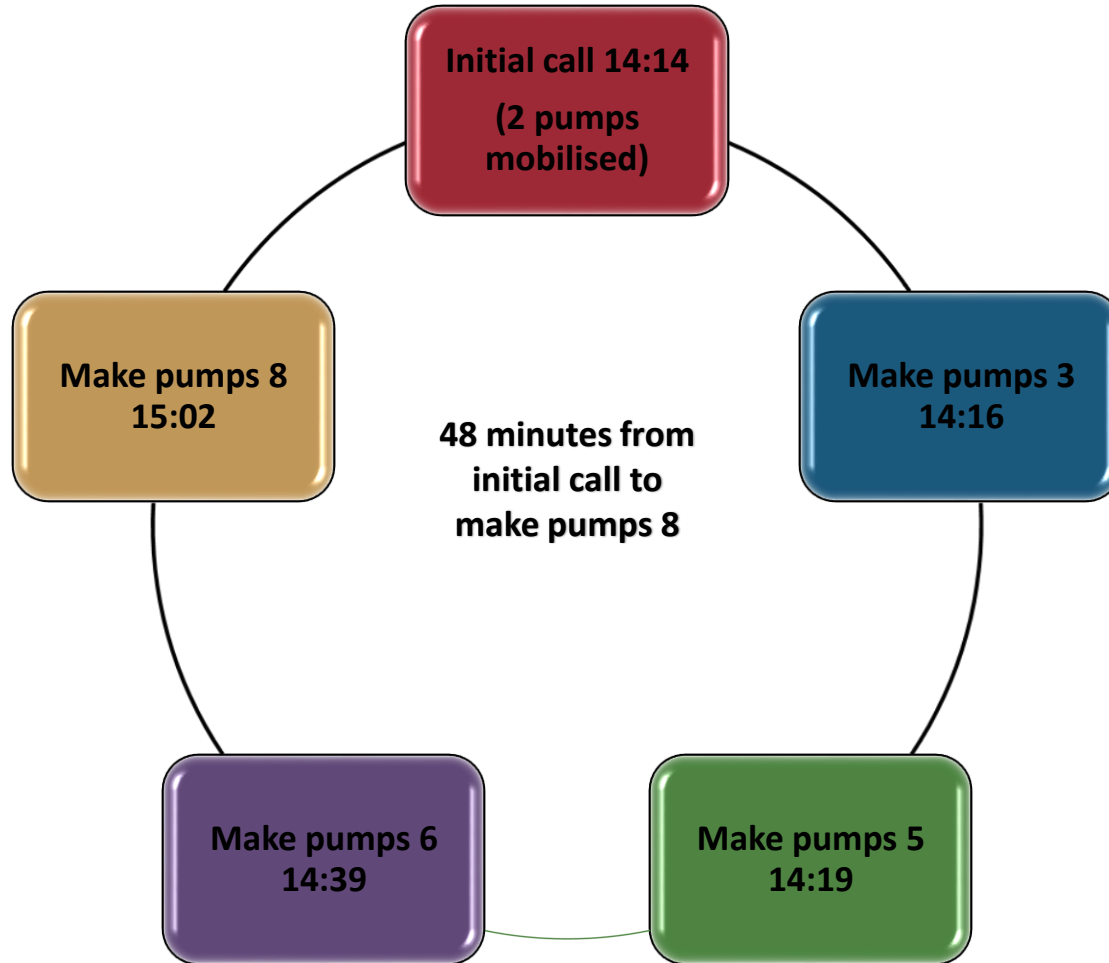
Location of premises



Location of initial fire



Make up of fire appliances



- Stop message - 20:34
- Crew re-visits – 23:30/ 06:00
- Incident handover – 07:30

Additional resources/ external support

CDDFRS additional resources



Partner agency support



Environment Agency



Key points

- **CAV aerospace taken over by Gardener aerospace – 15th October 2018**
- **Primary employer/ local impact**
- **BA teams re-committed to incident several times**
- **In excess of 20 BA cylinders used during incident**
- **Operational Risk Information/ on-site specialist available**
- **Crew rotation/ reliefs**
- **Multi agency working**
- **Media interest**



Fire Investigation/ Post incident considerations



- **Contractors working on tanks used to acid strip aircraft wings**
- **Sparks from angle grinder entered extraction system**
- **Oil and dust build up in extraction system**
- **Sparks may have ignited the oil soaked fibres/ dust**
- **Fire drawn along extraction system causing it to spread**
- **Crew welfare**
- **Internal level 2 & 3 de-brief**
- **Operational learning**
- **Business fire safety inspection**



Any questions?



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